

By Mr. HANNA: Petition of citizens on rural routes in North Dakota, favoring H. R. 26791; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Petition of Ingle & Berry and others, of Shelbyville, and E. C. Cannon & Son, of Murfreesboro, in the State of Tennessee, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of Isaac R. Stelle; to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of B. D. Blackmarr and others, of Ogden; C. R. Allard and others, of Chester; W. H. Wright & Sons and other business firms of Ogden; and Hyrum J. Bond, all in the State of Utah, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINKEAD of New Jersey: Petition of citizens of New Jersey, for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. KRONMILLER: Papers to accompany bills for relief of Mary E. Dodge Reville, Charles S. Barry, and D. Arden Carrick; to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of J. E. Wallace and four others, of Hillman, Mich., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. McKINNEY: Petition of United Pressmen's League, for House bill 23641 and Senate bill 7528; to the Committee on the Judiciary.

By Mr. McMORRAN: Petition of Homer Dilts and 12 others, of Harbor Beach, Mich., favoring extension of the parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MASSEY: Papers to accompany bills for relief of Adam Hicks, L. A. Ragan, J. N. West, and James A. Thomas; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William B. Jenkins; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of American Paper & Pulp Association, against adoption of the Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Down Town Taxpayers, for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of National Grange, for extension of the parcels-post system, etc.; to the Committee on the Post Office and Post Roads.

By Mr. NICHOLLS: Petition of Lackawanna Valley Council, No. 8, Junior Order United American Mechanics, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. OLDFIELD: Petition of citizens of second congressional district of Arkansas, against a rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. PALMER: Petition of Washington Camp No. 541 and Washington Camp No. 407, for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of Prattsburg Grange, No. 112, favoring the protective principle as applied to farm products; to the Committee on Ways and Means.

By Mr. PEARRE: Petition of Myersville Council of the Junior Order United American Mechanics, for more stringent laws relative to immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Montgomery County (Md.) Federation of Women's Clubs, for establishment of a national bureau of health, with a secretary as a Cabinet officer; to the Committee on Expenditures in the Department of Commerce and Labor.

Also, petition of Washington Camp No. 12, Patriotic Order Sons of America, favoring restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. RUCKER of Colorado: Petition of Weld County Farmers' Club, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Michigan: Petition of Cox & Osman, against extension of parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of the New York State Federation of Labor, Utica, N. Y., for construction of battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of railway mail clerks of Omaha, for certain concessions by the Government in their interest; to the Committee on the Post Office and Post Roads.

Also, petition of Louis S. Amonson, of Philadelphia, favoring legislation against use of white phosphorus; to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petition of citizens of Washtenaw and Lenawee Counties, Mich., for parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Michigan, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Unionville, Mich., for House bill 23641, the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. TOU VELLE: Petition of business men of Lightsville, Ohio, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. VREELAND: Petition of residents of Jamestown, N. Y., against Senate bill 404; to the Committee on the District of Columbia.

By Mr. WANGER: Resolutions of Washington Camp No. 482, Patriotic Order Sons of America, of Sellersville, Bucks County, Pa., in behalf of the passage of the bill (H. R. 15413) to amend the immigration act; to the Committee on Immigration and Naturalization.

By Mr. WEBB: Petition of Washington Camp No. 3, Patriotic Order Sons of America, Minneapolis, N. C., for immediate passage of H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Oregon, N. C., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Law and Order League of Henderson County, N. C., for enactment of a law making whisky carried in interstate commerce come within the jurisdiction of the States; to the Committee on the Judiciary.

Also, petition of International Iron Molders' Union, Local No. 247, Charlotte, N. C., urging that San Francisco be unmolested by Federal interference in the development of a water supply; to the Committee on Rivers and Harbors.

Also, petition of Haw Council, No. 207, Minneapolis, N. C., for restriction of immigration, etc.; to the Committee on Immigration and Naturalization.

Also, petition of Forest Hill Council, No. 49, Junior Order United American Mechanics, of Concord, N. C., for more stringent immigration laws; to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, February 3, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

COMMITTEE SERVICE.

Mr. MONEY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. WATSON be assigned to service as a member of the following committees: Conservation of National Resources, Cuban Relations, Indian Affairs, Mississippi River and its Tributaries, Pacific Islands and Porto Rico, Railroads, and Transportation and Sale of Meat Products.

That Mr. CLARKE of Arkansas be assigned to service as a member of the Committee on Interstate Commerce.

That Mr. NEWLANDS be assigned to service as a member of the Committee on Industrial Expositions.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

The VICE PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the fiscal year ended December 31, 1910 (H. Doc. No. 1348), which was referred to the Committee on Patents and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 20th ultimo, a further statement of the total amounts by acts appropriated by Congress to and including December 31, 1910, relative to the examination, surveys, etc., of rivers, harbors, and canals (S. Doc. No. 807), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 15342. An act to reimburse Charles K. Darling for moneys necessarily expended by him as clerk of the court of appeals for the first circuit; and

H. R. 20366. An act to transfer St. Joseph Bay, of the Pensacola collection district, in the State of Florida, to the Apalachicola collection district.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of the District of Columbia, remonstrating against the proposed site selected for the colored normal school, which was referred to the Committee on the District of Columbia.

Mr. NELSON presented a petition of the Trades Assembly of Duluth, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Sauk Center, Minn., praying for the enactment of legislation providing for an increase in the salaries of rural free-delivery carriers, which was referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented petitions of sundry citizens of Richwood, Philippi, Moundsville, Parkersburg, and Huntington, all in the State of West Virginia, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Post No. 30, Department of West Virginia, Grand Army of the Republic, of Pennsboro, W. Va., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented petitions of Washington Camp No. 24, Patriotic Order Sons of America, of Paw Paw; of Stewartstown Council, of Stewartstown, and Elkins Council, of Elkins, Junior Order United American Mechanics, all in the State of West Virginia, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the petition of W. F. Riley, legislative representative of the Brotherhood of Railroad Trainmen, of Wheeling, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented a petition of Local Lodge No. 16, Brotherhood of Locomotive Engineers, of Gallon, Ohio, and a petition of the Hotel and Restaurant Employees' International Alliance and Bartenders' International League of America, of Cincinnati, Ohio, praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 185, Brotherhood of Locomotive Firemen and Enginemen, of Delphos, Ohio, praying for the enactment of legislation providing for the building of all battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented petitions of sundry citizens of Broadwell and Cerro Gordo, in the State of Illinois, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

Mr. SHIVELY presented memorials of H. C. Atkins, N. A. Gladding, M. A. Poltis, E. W. Clark, A. J. Hass, A. T. Potter, M. M. Poole, J. S. Harris, F. C. Gardiner, A. G. Simpson, A. C. Brown, H. E. Smock, D. H. Hall, H. B. White, and George E. Helm, all of Indianapolis, in the State of Indiana, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented petitions of Local Union No. 841, Retail Clerks' International Protective Association, of Frankfort; of Star of Indiana Council, Junior Order United American Mechanics, of Aurora; and of Grant Council, Junior Order United American Mechanics, of Jonesboro, all in the State of Indiana, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of James R. Slack Post, No. 137, Grand Army of the Republic, Department of Indiana, of Huntington, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. CARTER presented petitions of sundry citizens of the city of Washington, D. C., praying for the enactment of legislation providing for the establishment of a public park bounded by Rhode Island Avenue, Second Street, T Street, and Lincoln Avenue NE., which were referred to the Committee on the District of Columbia.

Mr. BRISTOW. I present a concurrent resolution of the Legislature of the State of Kansas, which I ask may be printed in

the RECORD and referred to the Committee on Industrial Expositions.

There being no objection, the concurrent resolution was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

House concurrent resolution 6.

Whereas it is the purpose of the State of California to celebrate the opening of the Panama Canal with an international exposition in 1915 at San Francisco; and

Whereas the sum of \$17,000,000 having already been pledged by California to finance such exposition, with definite promise that no aid will be asked from the Congress of the United States; and

Whereas greater benefit will come to Kansas from such an exposition than would accrue if held at any other proposed site, due to the thousands of people who would pass through and stop over in this State, and to the benefit of Kansas of a movement to develop the West:

Resolved, That we indorse the purpose of San Francisco to hold such an exposition and deem it appropriate that the completion of the Panama Canal should be fittingly celebrated on the Pacific Ocean, which is thus opened up to the greater commerce of the world.

Mr. SPEAKER: Your committee on judiciary, to whom was referred house concurrent resolution No. 6, have had the same under consideration and instruct me to report the bill back to the house with the recommendation that it be referred to the committee of the whole house without recommendation.

CLIFF MATSON, Chairman.

Mr. SPEAKER: Your committee on ways and means, to whom was referred house concurrent resolution No. 6, indorses the purpose of San Francisco to celebrate the opening of the Panama Canal with an international exposition in 1915 at San Francisco and instruct me to report the resolution back to the house with the recommendation that it be referred to the committee of the whole house, subject to amendment and debate.

J. M. MERCER, Chairman.

Passed house and senate under emergency rule, January 30, 1911.

Mr. BRISTOW presented a petition of sundry citizens of Kansas, praying for the enactment of legislation providing for the building of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. CURTIS presented memorials of the Retail Merchants' Club of Pittsburg and of sundry citizens of Eskridge and Emporia, all in the State of Kansas, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

Mr. BURNHAM presented a petition of Local Branch No. 3, Paving Cutters' Union of the United States and Canada, of Milford, N. H., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. LODGE presented telegrams from the Maston & Wells Co.; Locke & Hurd; the American Cotton Yarn Exchange; Shepard & Morse Lumber Co.; the Boston Molasses Co.; the American Warp Darow Machine Co.; H. Fraiser, Allen Hurd Co.; Willis C. Bates Co.; Hayford & Chase; James G. Mitchell; the Avery Chemical Co.; Almeder Eames & Co.; A. C. Fisher; Berry McLaughlin; J. F. Cooper & Co.; Farnsworth, Benjamin & Wells; Conant & Bean; Bryant & Ordway; the Stone Lumber Co.; E. Holway & Co.; Marston & Russell; S. R. Crowell; Crowell & Thurlow; Graustine & Saunders; Batch Bros.; Johnson Bros.; Hale & Cole; J. B. Valente; Coleman & Whittington; F. A. Arens & Co.; the American Cotton Yarn Co.; Mahoney Bros. & Co.; J. E. Jale; E. C. Andres; Cummings & Hubbard; J. J. Moriarity, A. H. Bartlett; Lane & Co.; George Olmsted; Henry G. Lord; the Limited Fruit Co.; the Goldsmith Wall Co.; J. Edwin Bradshaw; S. R. Dowe & Co.; the Atwood Gould Co.; H. Hamblein & Son; the Baseball Publishing Co.; the United Fruit Co.; James Bliss & Co.; J. M. George & Co.; F. A. Hines & Co.; Russell & McKean; R. A. Newell & Co.; J. S. Emery & Co.; F. Putnam & Co.; A. M. Smith & Co.; L. B. Rollins & Co.; S. S. Miller; the Barton Child Co.; Newcomb & Paine; the Haughton Co.; Speed & Stevens; J. R. Lomasney & Co.; the Ingersoll Amory Co.; Lawrence Wiggin; T. L. Lomasney; the P. S. Huckins Co.; the Marion & Wells Co.; T. P. Blake & Co.; the B. H. Dickinson Co.; the E. L. Dorr Co.; Maynard & Child; the Boston Produce Co.; and the H. E. Austin Co., all of Boston, in the State of Massachusetts, praying that New Orleans, La., be selected as the site for the proposed Panama Canal Exposition, which were referred to the Committee on Industrial Expositions.

Mr. DU PONT presented a petition of Winona Council, Junior Order United American Mechanics, of Wilmington, Del., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on the District of Columbia, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 6582) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District

of Columbia, and for other purposes," approved March 19, 1906 (Rept. No. 1057); and

A bill (S. 288) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes (Rept. No. 1058).

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10438) to amend an act amendatory of the act approved April 29, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County," reported it with amendments and submitted a report (No. 1059) thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 20375) to authorize certain changes in the permanent system of highways, District of Columbia (Rept. No. 1060);

A bill (H. R. 22688) to authorize the extension of Thirteenth Street NW. from its present terminus north of Madison Street to Piney Branch Road (Rept. No. 1061); and

A bill (S. 8645) to confirm the name of Commodore Barney Circle for the circle located at the eastern end of Pennsylvania Avenue SE., in the District of Columbia (Rept. No. 1062).

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 9241) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, reported it without amendment and submitted a report (No. 1063) thereon.

He also, from the same committee, to which was referred the bill (S. 9239) to change the name of Fort Drive from Seventeenth to Eighteenth Streets NE. to Irving Street, reported it with an amendment and submitted a report (No. 1064) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 31161) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1066) thereon.

Mr. SMOOT, from the Committee on Pensions, to which was referred the bill (H. R. 30135) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1065) thereon.

Mr. BULKELEY, from the Committee on the District of Columbia, to which was referred the amendment submitted by himself on the 30th ultimo, proposing to appropriate \$2,000 to pay R. W. Thompson for expert services in the compilation and classification of the insurance laws of the several States for the Senate Committee on the District of Columbia, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the same committee, to which was referred the amendment submitted by himself on the 30th ultimo, proposing to appropriate \$500 to pay O. B. Kilbourn for services as stenographer to subcommittee of the Committee on the District of Columbia in connection with the compilation and classification of the insurance laws of the several States, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. BROWN, from the Committee on Patents, to which was referred the bill (H. R. 24749) revising and amending the statutes relative to trade-marks, reported it without amendment and submitted a report (No. 1067) thereon.

HON. WILLIAM E. PURCELL.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 334), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby is, authorized and directed to pay, from the contingent fund of the Senate, to the Hon. William E. Purcell the sum of \$308.22, being the compensation of a Senator of the United States for 15 days, January 19 to February 2, 1911, during which he served as Senator from the State of North Dakota.

WARREN J. DAVIS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following reso-

lution (S. Res. 335), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby authorized to pay, out of the contingent fund of the Senate, to Warren J. Davis, for services as clerk to the Hon. William E. Purcell, late a Senator from the State of North Dakota, from January 19 to February 2, 1911, the sum of \$77.77, the same being at the rate of compensation previously paid him.

ALIEN HOMESTEAD SETTLERS.

Mr. DILLINGHAM. From the Committee on Immigration, I report back favorably, with an amendment in the nature of a substitute, the bill (S. 9443) to amend an act entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, and I submit a report (No. 1056) thereon. I call the attention of the Senator from Minnesota [Mr. NELSON] to the bill.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill. It is a bill for the relief of homestead settlers.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out all after the enacting clause and insert:

That when any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the provisions of the naturalization laws, be naturalized without making any declaration of intention.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the lands laws of the United States."

COLORADO RIVER DAM.

Mr. PERKINS. From the Committee on Commerce I report back favorably with amendments the bill (S. 10417) to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz., and I submit a report (No. 1068) thereon. I have been requested to ask for the immediate consideration of the bill.

The bill was read.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BURTON. I should like to inquire if this is identical with the bill which passed the Senate at the last session.

Mr. PERKINS. I so understand it.

Mr. BURTON. And there is a favorable report upon it from the Secretary of the Interior?

Mr. PERKINS. There is. I ask the Secretary to read the report accompanying the bill.

The VICE PRESIDENT. Without objection, the Secretary will read the report.

Mr. BEVERIDGE. May I inquire what the bill is?

The VICE PRESIDENT. The bill has just been read. Does the Senator desire to have it read again?

Mr. BEVERIDGE. No. Has there been unanimous consent given for its consideration?

The VICE PRESIDENT. That is the pending question. Unanimous consent is asked for the present consideration of the bill.

Mr. BEVERIDGE. In case it requires any discussion or in case the reading of the report takes any time, I will be constrained to object. It might run into many minutes, and notice has been given by a Senator to speak after the morning business. The term "morning business" does not usually contemplate the passage of a measure.

Mr. PERKINS. I will not press the consideration of the bill this morning. I ask that it may go to the calendar.

Mr. BEVERIDGE. Very well; let it go on the calendar, because it will take some time.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower

Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J. (with accompanying paper); to the Committee on Commerce.

A bill (S. 10633) granting an increase of pension to Margery Isabella Curtin (with accompanying paper);

A bill (S. 10634) granting an increase of pension to Henry M. Palm; and

A bill (S. 10635) granting an increase of pension to Edward D. Goss (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 10636) granting an increase of pension to Robert A. Stuart; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 10637) for the relief of James D. White; to the Committee on Military Affairs.

By Mr. JOHNSTON:

A bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala.; to the Committee on Military Affairs.

By Mr. NIXON:

A bill (S. 10639) granting a pension to Ida M. Elder (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 10640) granting an increase of pension to William R. Rennels; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 10641) granting an increase of pension to Abraham Smock; and

A bill (S. 10642) granting a pension to Izora E. Dwire (with accompanying paper); to the Committee on Pensions.

A bill (S. 10643) for the relief of Henry P. Kinney; to the Committee on Military Affairs.

A bill (S. 10644) for the relief of Catherine Grimm; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 10645) granting an increase of pension to Thomas Loughney (with accompanying papers); to the Committee on Pensions.

A bill (S. 10646) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; to the Committee on Printing.

By Mr. WARNER:

A bill (S. 10647) to amend section 22 of the act of Congress, approved February 4, 1887, entitled "An act to regulate commerce," as amended by the acts of Congress of March 2, 1889, and February 8, 1895; to the Committee on Interstate Commerce.

By Mr. SCOTT:

A bill (S. 10648) for the relief of John H. Chapman, the only surviving heir of Henry Chapman, deceased (with accompanying papers); to the Committee on Claims.

By Mr. GUGGENHEIM:

A bill (S. 10649) for the relief of Samuel H. Caldwell; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 10650) granting an increase of pension to William U. Thayer; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 10651) for the relief of the Gas Engine & Power Co. and Charles L. Seabury & Co., Consolidated (Inc.); to the Committee on Claims.

A bill (S. 10652) granting an increase of pension to John Walsh (with accompanying paper);

A bill (S. 10653) granting a pension to Nancy J. Glasscock (with accompanying paper);

A bill (S. 10654) granting an increase of pension to M. E. McKellup (with accompanying papers);

A bill (S. 10655) granting an increase of pension to George T. Kerans (with accompanying papers);

A bill (S. 10656) granting an increase of pension to Byron Rudy (with accompanying paper);

A bill (S. 10657) granting an increase of pension to Martin L. Spencer (with accompanying papers); and

A bill (S. 10658) granting a pension to Nannie V. Kemper (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 10659) granting an increase of pension to William A. Leach; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 10660) granting an increase of pension to Warren Johnson (with accompanying paper); and

A bill (S. 10661) granting an increase of pension to Almanzer W. Layton; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 10662) granting an increase of pension to John Hodge (with accompanying papers); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 10663) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DU PONT submitted an amendment relative to the advancement of line officers on the active list of the Army who have lost in lineal rank, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. NIXON submitted an amendment relative to arid lands within the State of Nevada made available and subject to the terms of section 4 of an act of Congress approved April 18, 1894, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Lands and ordered to be printed.

Mr. WARNER submitted an amendment proposing to appropriate \$8,000 for the salary of the postmaster at St. Louis, Mo., etc., intended to be proposed by him to the Post Office appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Post Offices and Post Roads.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. If there be no objection, the Chair will lay before the Senate the following business.

The SECRETARY. The report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

Mr. ROOT. Mr. President, on the 20th of June last the Senate passed a resolution which directed the Committee on Privileges and Elections—

to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether in the election of said WILLIAM LORIMER as a Senator of the United States from said State of Illinois there were used or employed corrupt methods or practices.

The Committee on Privileges and Elections has now reported, not whether there were used or employed corrupt methods or practices in the election of WILLIAM LORIMER, but that, in their opinion, the title of Mr. LORIMER to his seat in the Senate has not been shown to be invalid by the use or employment of corrupt methods or practices; and the committee requests to be discharged from further consideration of the resolution.

It is a fair inference, from a comparison between the terms of the resolution and the report of the committee, that the committee were of the opinion that there were corrupt practices used and employed in the election of Mr. LORIMER, but that the legal effect of such corrupt methods and practices was not such as to invalidate his election. That view of the true meaning of the committee's report is supported by an examination of the testimony which was before them.

I am constrained, upon a careful examination of the testimony, to disagree with the conclusions of the committee. I do it with great regret; I do it unwillingly, because I have the highest respect for the members of the committee and for their judgment. I know that they are trained and able men and that they are men of the purest patriotism and of a character which makes it impossible even to discuss the integrity of their action. It is difficult for me to reconcile myself to taking a different view of the facts in this case from that which these trusted and honored colleagues have taken after hearing the witnesses; and, Mr. President, I differ from them with great regret, because the conclusion which I have reached involves the interest, and, if agreed to by the Senate, involves the injury, of a gentleman toward whom I have the kindest feelings, Mr. LORIMER; involves a disgrace to the great State of Illinois and to the country of which that State is so great and potent a part. But I can not come to any different conclusion.

I differ from the committee, sir, not only as to their conclusion, but as to the view of the scope and nature of their duties, which I believe played a considerable part in leading them to their conclusion.

The charges against Mr. LORIMER were presented to the committee by counsel for the Chicago Tribune. The committee deemed it to be their duty to treat the charges from the beginning to the end as they would have treated a private complaint against a private defendant, holding the complainant to strict proof as a court would have held a private litigant, and the committee concluded that the charges had not been sustained.

It is true, as the Senator from Texas [Mr. BAILEY] said upon this floor a few days ago, that the wisdom of ages has shown that the best way to get at the truth of a case is to have two parties and to hear their testimony and their arguments; but, Mr. President, who has made the Chicago Tribune a party to an investigation of a question that concerns the integrity, the purity, the reputation, and the authority of the Senate of the United States? When have we committed to that newspaper, or to any newspaper, to the owners of a paper and their counsel, or to any man, the guardianship of our honor and the preservation of the integrity of our Government? No, Mr. President, when it once appeared before the committee that there was substantial ground for the charges, when one witness had appeared before them and given testimony which, if believed, established the fact of bribery, then from that time, I submit to the Senate, it became the duty of the Committee on Privileges and Elections to do what the Senate resolution directed them to do—to investigate the charges and to report to the Senate, not whether the Chicago Tribune had established a case, but whether in the election there were used or employed corrupt methods or practices.

And, Mr. President, the case is full of opportunities of which a different view would have led the committee undoubtedly to avail themselves to secure fuller and more satisfactory information upon the subject of the resolution. The evidence taken points clearly to avenue after avenue which could be followed down to probable information upon the subject of the resolution; but, in taking the view of their duty which they did, the committee logically and naturally excluded much information which was brought forth by questions put to witnesses, and which would naturally have opened opportunity for further information.

One effect of this view taken by the committee is a prejudice—a natural prejudice—in which I confess, sir, I share. We have heard going about this Chamber in conversation among Senators, bruited about through the Capitol, the expression of prejudice against this newspaper prosecution, against the method and the spirit exhibited by the Chicago Tribune in its prosecution of this case, which has been characterized by many persons not interested in the case as not merely a prosecution, but a persecution. Mr. President, I have said that I share that feeling regarding newspaper prosecutions. I do not think the combination of the tremendous power of a great daily paper and the function of a prosecuting officer is a combination that makes for justice. But, sir, this case is not the case of the Chicago Tribune; it is the case of the Senate of the United States; it is the case of the Government of the United States; it is the case of representative government the world over.

Mr. PAYNTER. Mr. President, I should like to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. ROOT. I do.

Mr. PAYNTER. The Senator is complaining of the action of the committee in the matter of the admission of testimony. I ask the Senator to state now what witnesses were at the command of the committee except those which were furnished by the Chicago Tribune.

Mr. ROOT. I will state that, Mr. President.

Mr. PAYNTER. And in that connection I want to ask the Senator this question: What kind of an attitude would the committee have placed itself and this body in had it refused to have heard the testimony of witnesses who were offered by the Chicago Tribune? I will be glad to hear the Senator on both of those questions.

Mr. ROOT. I have not for a moment intimated that the committee should not have heard witnesses produced by the Chicago Tribune. They should have heard them; but if they had taken the view of their duties which I take, they would have called still other witnesses. I will state one now. They would have called the cashier of the Holstlaw Bank, of Iuka, with the books of that bank, to determine whence came the money that Mr. Holstlaw deposited in the State Bank of Chicago on the 16th day of July, 1909. They would have called the Yarboroughs, whom disputed testimony put in the room with Mr. White when Mr. Browne was said to have come for him to take him to the interview in which White testified the offer of the bribe was made. They would have called Gov. Deneen to testify, to ascertain what he knew about the transaction regarding which Mr. LORIMER told us in the Senate—that Gov. Deneen favored him until the day before the vote, and then turned.

Mr. PAYNTER. I do not desire to interrupt the Senator—

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Kentucky?

Mr. ROOT. Certainly.

Mr. PAYNTER. But in regard to Gov. Deneen, the statement was made to the committee that he could only testify as to "atmosphere" about Springfield.

Mr. ROOT. There, again, the Senator goes back to the Chicago Tribune as the guardian of the integrity of the Senate; the statements they made. What do we care about the statements they made as to their purpose?

Mr. President, they would have called Speaker Shurtleff, the speaker of the house, who was the leader of the campaign on the Republican side to secure the election of Mr. LORIMER. They would have called him, because the testimony shows that day by day and night by night he was closeted with Mr. LORIMER and with Mr. Lee O'Neil Browne.

Mr. PAYNTER. Mr. President—

The VICE PRESIDENT. Does the Senator from New York further yield to the Senator from Kentucky?

Mr. ROOT. Certainly.

Mr. PAYNTER. Now, the Senator is criticizing the committee for not calling Mr. Shurtleff. If the Senator will examine the record he will find that he was introduced as a witness—

Mr. GAMBLE. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Dakota?

Mr. PAYNTER. And upon the motion of the committee, too.

Mr. GAMBLE. I was going to make the suggestion that he was called not at the instance of the Chicago Tribune, but was called upon the motion of the committee itself. His evidence was given in full.

Mr. ROOT. Practically formal testimony.

They would have called Mr. Arnold, or Mr. Marshall, with regard to the proceedings of the authorities of the State of Illinois upon which great stress has been laid as constituting ground for impeachment of the witnesses to bribery.

Mr. President, the Senator is not quite accurate in saying that I am criticizing the committee for not calling these witnesses. I am not. I am saying that the failure to call these witnesses is the natural and inevitable result of a view taken by the committee as to the scope of their duty, and that view is clearly and distinctly expressed by the committee itself. My only criticism, whatever criticism is involved, is in differing with the opinion of the committee regarding, first, the conclusion that they report, and, second, the view that the report shows they take as to the scope and nature of their duties.

But, Mr. President, we have here many hundred pages of testimony, and it is for the Senate now to pass upon the report of the committee with reference to the testimony as it is. And I beg leave to lay before the Senate such views as I have reached in the examination of that testimony.

The framework of the events to which the investigation related is familiar to all the Members of the Senate. From January until the 26th of May, 1909, the Legislature of Illinois was engaged in fruitlessly balloting for a Senator to succeed Mr. Hopkins, who was then a Member of the Senate.

Mr. Hopkins had received a large vote by way of instruction in the primaries, and Mr. Stringer was the primary selection of the Democratic party, and the votes ran for many weeks, for months, with the greater part of the Republicans voting for Mr. Hopkins, but a sufficient number of votes scattering about to prevent an election, and the greater part of the Democrats voting for Mr. Stringer.

On the 26th of May there was a sudden change, and the votes of a very large part of the Republicans and of the Democrats were turned to Mr. LORIMER, who up to that time had not been an avowed candidate, only an occasional scattering vote having been cast for him. On that day there were 202 members of the Legislature of Illinois present in the joint session of the two houses, making 102 votes necessary to an election. On the ballot to which I have referred, on the roll call of the senate there were 10 votes for Mr. LORIMER, and on the roll call of the House there were 91 votes for Mr. LORIMER, making a total of 101 votes. Thereupon seven Republican senators who had voted for Mr. Hopkins on the roll call changed their votes from Mr. Hopkins to Mr. LORIMER, making 108 votes for Mr. LORIMER, and he was declared to be elected. Those 108 votes were 53 of them cast by Democrats and 55 by Republicans.

The investigation concerns itself with the way in which those 108 votes were procured. It is practically concentrated upon the way in which the 53 Democratic votes were secured, because it was a matter for special inquiry that 53 Democrats should leave the candidate of their own primary and unite upon a candidate of the opposite party.

Now, there are certain undisputed facts which bear upon this inquiry as to these 53 Democratic votes. The first which I ask

you to consider is that Mr. LORIMER was present at Springfield and in attendance at the State capitol at the time of this election, and he had been there for several weeks. It appears that one of the Democrats who had been asked to vote for Mr. LORIMER raised some objection and was requested to go into the speaker's room—this is on the day of the election—and see Mr. LORIMER.

He had asked for certain promises regarding patronage, regarding the appointment of Federal officers in his own town. He was requested to go, and he did go into the speaker's room, and there found Mr. LORIMER; and he had with Mr. LORIMER a conversation relating to the appointment of Federal officers in his town, and it appeared to be satisfactory.

Mr. LORIMER, then, was present in the capitol, occupying the room of the speaker of the assembly, and there meeting and having interviews with the members of the assembly regarding their voting for him.

The second important fact bearing upon the relation between Mr. LORIMER's election and these Democratic votes is that the agent selected by Mr. LORIMER, the chief agent to secure Democratic votes for him, was Mr. Lee O'Neil Browne. Mr. Browne was the leader of one faction of the Democrats in the assembly. There were two factions, each with a leader. Mr. Browne had between 30 and 40, and another, Mr. Tippet, had between 20 and 30 Democratic members of the legislature, and Mr. Browne was called into consultation, conference, cooperation with Mr. LORIMER and became plainly Mr. LORIMER's accredited and authorized agent in securing votes from the Democratic side of the assembly.

This rests upon the testimony of Mr. Browne himself, and is not subject to any dispute. Mr. Browne says, after being asked about whether he had reported some facts to Mr. LORIMER:

A. Well, now, if I was giving you my best judgment as to when I first spoke to Senator LORIMER personally about the matter, I would say it was somewhere in the neighborhood of a week.

Q. A week?—A. Somewhere.

Q. What—and then you conferred with him frequently, did you not?—A. Oh, yes.

Q. Every day?—A. I presume every night. The conferences were at night mostly. Every night during the stay in Springfield.

Q. Yes. And those conferences lasted some hours, didn't they?—A. Sometimes they did, and sometimes there were a dozen of them in an evening.

Q. And you kept Senator LORIMER posted as to your movements with reference to his candidacy, did you?—A. We all kept each other posted, just as any other campaign committee would do.

Q. Well, I am asking you whether you kept him posted as to your movements with reference to his candidacy?—A. I have answered that.

Q. Well, did you keep him posted?—A. We all kept each other posted.

Q. What I want to know is, did you tell Mr. LORIMER, the candidate for United States Senator, as to what you were doing toward furthering his candidacy?—A. I presume I did.

It further appears that Mr. Browne had made a condition of bringing his followers to the support of Mr. LORIMER, that none of them should be expected to vote for Mr. LORIMER until there was satisfactory assurance that the votes would be sufficient to elect. Mr. Browne says:

Q. So you insisted that no Democrat should vote for Mr. LORIMER until you were advised that there should be enough votes, outside of the Democrats, with them, to elect him?—A. Well, I insisted, and I made it a matter of honor, with both of them—

Mr. LORIMER and Mr. Shurtleff—

that no roll call for Mr. LORIMER's election should be started, and that I would not consent to a single one of my followers voting for him until I became sure that there were enough with those to elect him.

He is asked now:

Q. Now, what did you do, if anything, to notify the men who belonged to your faction, whom you believed would vote for Mr. LORIMER, that the vote would be taken on the 26th?—A. Well, I can not say to you, Senator, just what course I pursued with every one of them. I know the message was carried in one way or another to each one of them that the roll call would be put on the next day for his election, and that it was going to go through.

Q. You set in motion some machinery by which all of your friends whom you believed would vote for Mr. LORIMER—I believe you said 30—were notified that it would be called off on that day, so that all of them would be on hand, and it would be called off on that day, the 26th?—A. Well, all of them were on hand those days all of the time, Senator.

Q. You notified them that the ballot would be taken on that day?—A. Yes.

Q. Or had it done?—A. Yes.

Q. So that they might be present?—A. Yes.

I say the testimony, undisputed and unquestionable, leaves no doubt of the relation of agency between Mr. Browne and Mr. LORIMER in the securing of the Democratic votes, or at all events the 30 Democratic votes cast by followers of Mr. Browne and constituting a part of the 108 votes that elected Mr. LORIMER.

The relation of Mr. Browne as leader of these 30 voters is very well shown by his own testimony, which I will now read:

Q. As minority leader, I suppose your vote would be taken as a criterion on strictly party questions, to those who should follow you, as to party policy in voting?—A. Well, in this transaction I might

say the bellwether, so to speak, was Manny Abrahams—Emanuel Abrahams. He is the first on the list, you will see, the first Democrat; and he was a very strong and staunch adherent of mine, and, whether right or wrong, he believed what I did was right, and whenever they saw Manny Abrahams—those that wanted to know how I was going to vote—saw Manny Abrahams vote one way, that settled it.

Q. And he voted for Mr. LORIMER?—A. Yes, sir.

Q. I suppose you had an understanding with Mr. Abrahams that he was going to vote for Mr. LORIMER?—A. Oh, yes; with all of them—with all of them.

Q. And that was the criterion?—A. Well, it was understood before the roll was called at all that morning by them all, those of my crowd.

So, Mr. Browne, the leader of his crowd in the legislature, controlling the vote of Manny Abrahams, who voted as he wished, right or wrong, Mr. Browne, the leader of this crowd, voted for Mr. LORIMER, and the crowd voted, following the bellwether, Manny Abrahams. He procured them to vote as the agent of LORIMER, secured by him to act for him, closeted with him by day and by night, reporting to him step by step, having the relation to him of a member of a campaign committee.

Now, Mr. President, the inquiry narrows down to the question how Mr. Browne secured the adherence of that 30 of the faithful of his crowd who followed the bellwether. How did he secure them? What was his relation to them? It is a broad question which furnishes, when answered, a background against which all the testimony in this case must be considered and weighed.

The air of Springfield at the time was full of suspicion as to the way in which Mr. Browne controlled his crowd, as to the way in which Democratic votes were being secured. A staunch old Democrat, a Mr. Donohue, who was a member of the house and who did not vote for Mr. LORIMER, but stood by his party candidate, testifies in explaining some remarks that he may have made, some questions that had been put as to the suspicion that there was bribery, and he said:

That was the general talk, and I could not trace it down; I could not tell now who said it, and then that kind of died away, and then after the election of Mr. LORIMER the thing started again that they were—everything was not straight down there at Springfield with reference to the election of United States Senator. And everybody, I think—I was suspicious myself about the way things went down there. Of course, I didn't have any direct evidence, only from general appearance, I could not see why so many Democrats were going over in a body to vote for a Republican. They may have had reasons, and be more liberal in their views than I am, and might have gone over. I could not see it that way. I am a Democrat, and I am a pretty strong partisan.

Of course suspicions are not evidence, but Mr. Donohue's view, taken at the time of this transaction, is evidence that an honest Democrat who was there saw no party policy or principle which was sufficient to account in his mind for the votes of these 53 Democrats for a Republican Senator. If there were motives of patriotism or policy actuating the 53, they were motives locked in their own bosoms and not apparent to the other Democrats who were there.

On the floor of the assembly, on the day of the election, before the vote was cast, Mr. English, a member of the House, in effect charged corruption.

Mr. Browne, for the apparent purpose of strengthening his followers, had made a speech in which he had undertaken to explain what was about to be done, and he had used the expression "we can not cash dreams," when that stout Democrat of the house retorted, "but you can cash votes," and it was under the aspersions of that remark in the open house that the votes were cast.

Mr. Groves, a reputable and unimpeached witness, testified that shortly before the election a former member of the legislature came to his room in the hotel, approached him upon the subject of voting for Mr. LORIMER, and said to him, "It might be a good thing for both of us." Groves retorted that "there is not money enough in Springfield to buy my vote for LORIMER;" and he denounced him with such indignation and vehemence that the visitor exclaimed against his talking so loudly with the transom open. Groves exposed that on the floor of the assembly before the election.

Mr. Groves testifies also to a conversation before the election with Mr. Shaw, one of the men who voted for Mr. LORIMER, who was then about to vote for Mr. LORIMER, in which Mr. Groves, his suspicions excited by the attempt made upon him, put the question to Mr. Shaw, how much there was in it to vote for LORIMER. Mr. Groves testifies that Mr. Shaw said there was a thousand dollars in it, as he understood, for the men who would vote for Mr. LORIMER.

Mr. Terrill, an unimpeached and reputable witness, who did not vote for Mr. LORIMER, testifies to this:

A. Well, Mr. Griffin, a member of the house also; I think he comes from Cook County, but I don't remember what district. He never made me any offer of cash. He asked me to vote for Mr. LORIMER. I asked him what there would be in it, and he said, "A thousand dollars, any way."

Mr. Griffin was one of the faithful 30 that followed the bell-wether, and Mr. Terrill told of that approach, of that assault upon his integrity.

Mr. Meyers, another member of the house who did not vote for Mr. LORIMER, testifies that Mr. Browne asked him to vote for Mr. LORIMER. Mr. Browne himself, the agent whose relations to this vote we are inquiring about, asked him to vote for LORIMER:

Q. Will you tell the committee what, if any, conversation you then had with Mr. Browne?—A. I went down to his desk and sat down on a chair right beside him, and he says, "We are going to put this over to-day, and I would like you to go with us." I says, "Lee, I can't do it."

Q. What else?—A. Then he says that there are some good State jobs to give away and the ready necessary. I says, "I can't help it; I can't go with you."

Q. "The ready necessary," that is correct, is it, that I repeat?—A. Yes, sir.

Mr. Meyers, being interrogated further, said:

Mr. AUSTRIAN. What did you understand that Mr. Browne meant when he said "plenty of the ready necessary?"

The WITNESS. I suppose he meant money; I did not know what else.

So, Mr. President, I say that at the time these votes were cast the air of Springfield was murky with suspicion of corruption, a suspicion now justified by the testimony of these unimpeached, honorable, credible witnesses, of attempt after attempt upon the integrity of the members of the Democratic Party in the assembly of Illinois, including this attempt by Lee O'Neil Browne in person.

Mr. Holstlaw, who was a senator, testified that Senator Broderick, a Democratic senator, as was Holstlaw, assured him that there was \$2,500 in it for him if he voted for LORIMER, and he did. Holstlaw has also testified to the payment of the \$2,500. I shall discuss the testimony regarding that at a later period.

Three other witnesses have testified not merely to approaches, but to the actual payment of money—Mr. White, who was the originator of the charges; Mr. Link, another Democratic member of the assembly; Mr. Beckemeyer, another, all members of the faithful 30.

Mr. President, it may be that all these men swore falsely. It may be that White, and Link, and Beckemeyer, and Holstlaw, and Meyers, and Groves, and Terrill all perjured themselves. But we are not at liberty to reject their testimony unless it is overcome by countervailing testimony of sufficient weight or unless it is found to be at variance with the true and accepted facts. And the great fact against which all of this evidence is to be considered, that furnishes the background for all these events, is this fact of the relation of LORIMER's agent, Browne, to his followers, and that fact, that underlying fact, which will either corroborate or contradict all these oaths, is established not only by a preponderance of evidence, but beyond that reasonable doubt which is permitted to stand in the way of a verdict that may cost a defendant his liberty or his life.

It happens, Mr. President, that there were two events—two meetings of followers of Browne—subsequent to the election of LORIMER in which the testimony fixes the payment of money under such circumstances that, if the testimony be believed, there was plain bribery. The first meeting was on the 21st of June following the election. The second meeting was on the 15th of July. Both meetings were held in St. Louis. At the first the testimony of Beckemeyer and White and Link shows a distribution of \$1,000 each to the followers of Browne in southern Illinois, and at the second meeting, the 15th of July, the testimony of the same men shows a distribution of \$900 each to the followers of Browne in southern Illinois.

Mr. Browne has testified that there were three meeting places where his crowd was in the habit of being called together—those of northern Illinois, in Chicago; those of central Illinois, in Springfield; and those of southern Illinois, in St. Louis. At the meeting on the 15th of July, when the \$900 dividend was made, all the members of Mr. Browne's following in southern Illinois were present, having been summoned to that meeting by telegrams sent to them through Mr. Browne's private secretary or stenographer, Mr. Giblin.

The testimony of Link and Beckemeyer and White to the payment of the \$900 to each is disputed. It is disputed only by the testimony of Mr. Wilson, who went to that meeting for Mr. Browne, in Mr. Browne's place. The testimony is corroborated, however, by several very important and indisputable facts. Of course, it is the testimony of three men against one; it is the testimony of three men who say they received the money against one who says he did not pay it. But it appears in the testimony that a year after the meeting was held, and when inquiry came to be made regarding the payment of money to these members of the legislature at that meeting, a false and fictitious and manufactured explanation of the purpose of the meeting was made up. Two of the members who were there testified to Wilson, who went there as Browne's agent, and, they

say, distributed the money, sending them letters in 1910, on the eve of the inquiry, dated back prior to the 15th of July, 1909, and suggesting as a reason for the meeting a proposal to give a banquet to Mr. Browne.

Unfortunately nearly all the witnesses to the meeting forgot that there was any proposal to give a banquet to Mr. Browne. All the members of the Browne following met at their customary meeting place in St. Louis, brought from their several homes in different and distant towns in the southern part of the State of Illinois, called there by telegrams for some purpose or other, and there appears in the testimony regarding that meeting no evidence whatever as to any conclusion reached, any question raised, or any action taken regarding the giving of a banquet to Mr. Browne.

It appears further in the testimony that there had been something said about a banquet to Browne, and that Browne had stamped on it or frowned on it, as Mr. Wilson, his agent, testifies. It further appears that that meeting was a meeting intended for these followers to meet Browne himself; and, of course, it could not have been a meeting for the purpose of considering giving him a banquet to which he was opposed. It is improbable that Browne should have had his followers called together to meet him for the purpose of considering the giving to him of a banquet against his will.

I say that the meeting was for the purpose of meeting Browne, and I will refer to some of the testimony. Mr. White has testified that Browne had said he would meet him in July on the 15th, and Mr. Wilson went down to that meeting, the testimony shows, and told the rest of the crowd who met there that Browne was ill with ptomaine poisoning, so that he had to come in his place. Here is a letter from Browne. I beg your careful consideration of it, for it is the letter which shows with great distinctness the relation of Browne to this meeting, regarding which the faked and manufactured explanation was gotten up the next year, and in which the testimony shows that bribes were paid.

OTTAWA, ILL., July 16, 1909.

HON. CHARLES A. WHITE, O'Fallon, Ill.

FRIEND CHARLIE: Thank you very much for your prompt recognition of my request in the Doyle matter. You have certainly been one of my good old friends since we have become acquainted. I feel sure that the friendship will last just as long as you and I do. I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis. I was taken very ill in Chicago Monday night with an attack of ptomaine poisoning and have had a pretty serious time of it. I did not dare to attempt the trip. I hope everything is all right with you and satisfactory and that you are happy and fairly prosperous. I hope before very long to be able to meet you either in St. Louis or Chicago and talk over old times. I think you and I have got one real good visit coming. Let me hear from you when you get time and the spirit moves you.

Very sincerely, your friend,

LEE O'NEIL BROWNE.

I say that letter completely corroborates the testimony that the meeting of July 15, in St. Louis, was a Lee O'Neil Browne meeting with his followers in southern Illinois, to which Wilson went as his locum tenens; and when you consider the fact that three of the men present at that meeting have sworn to the distribution of a fund, out of which they received \$900 each, I beg you to consider this language of the letter which Browne writes to his friend White:

I hope everything is all right with you and satisfactory—

There is another fact, Mr. President, which corroborates most powerfully the testimony showing that there was money paid, a fund distributed at the July 15 meeting; and that is that two of the men who were there, when called before the grand jury of Cook County in an inquiry as to legislative corruption, testified under oath that they were not present at the meeting—perjured themselves to conceal the fact that they were there at all. They were indicted for that perjury. Why, if the meeting was an innocent one, if it was a meeting to talk about a banquet, if the testimony of these three men that there was a fund distributed there is false, and it was an innocent meeting, why should men be willing to commit perjury in order to conceal the fact that they were there?

Ah, no, Mr. President. The corruption in the Legislature of Illinois which brought on the distribution of July 15 was practically admitted upon this hearing. When the first testimony about that meeting was produced the counsel for Mr. LORIMER objected to it because, he stated, it was testimony about what they called the "jack pot." Mr. President, the corruption in that legislature had continued so long, men's minds had become so accustomed to believing in it, men had become so callous to the iniquity of it, that they joked about it and nicknamed it as if it were a matter for jocular treatment. Several of the witnesses testified that they called it a "jack pot." The committee in their report say—

If any money was disbursed by Wilson—

That is, at this July meeting—

If any money was disbursed by Wilson, it is evident that it was from a fund which was neither raised nor expended to promote the

election of Mr. LORIMER as a Senator nor to reward those who voted for him for that office. It was therefore no part of the duty of the subcommittee to inquire into either the origin of the fund or the purpose for which it was used.

That finding is in accordance with the contention of the counsel for Mr. LORIMER that there was corruption; that all of these followers of Mr. Browne in southern Illinois were called together on the 15th of July, and a corruption fund was divided among them.

The distinguished senior Senator from South Dakota [Mr. GAMBLE], a member of the subcommittee which took the testimony, with that frankness and intellectual integrity that always characterize him, stated to the Senate what is the indisputable and unquestionable fact relating to the tie that bound Browne and his followers together. The Senator from South Dakota said:

Mr. President, it has been my purpose to state the evidence given before the committee fairly as to bribery or corrupt practices as affecting the integrity of the votes cast for United States Senator. I am not here to give countenance to or to approve the proceedings, the record, or the methods pursued in the Legislature of the State of Illinois. The evidence is uncontradicted that a system of corruption and malfeasance has been practiced for many years in the legislature of that State. It appears money has been coerced and received by members of the legislature for unlawful and unworthy purposes. Money appears to have been demanded and received for the promotion or defeat of legislation, irrespective of its merits, and the funds so secured have been held and retained and the sum distributed to members of the legislature after adjournment.

Again, the Senator from South Dakota said:

The evidence, it appears to me, was overwhelming from many witnesses upon the stand, both directly and indirectly, that the matter of the jack pot had been in existence and in operation for some years. It appears to have been reduced in its operation practically to a system. I had never heard or learned of it being inaugurated elsewhere to the extent that funds raised and paid to effect legislation irrespective of its merits were held and pooled, and later distributed after the close of the legislative session.

And further, in answer to an inquiry, he said:

Because, as I have said, the existence of a jack-pot fund was testified to by many witnesses, and very early in the hearing its existence was practically admitted, as far as it could be, by the respective counsel upon either side in the case.

Mr. President, it appears, upon uncontradicted and indisputable testimony in this case, that the collector, the distributor, the leader in this corruption of the Legislature of Illinois, was Lee O'Neil Browne. He was the man in whom centered agreements for the payment and who held the funds paid; and the vote for which the payments were made followed the bell-wether, who voted as he knew Browne wished him to vote, right or wrong. Browne was the distributor, and the ptomaine poisoning which, to his great regret, prevented him from meeting his followers in southern Illinois on the 15th of July, was all that led to Wilson distributing the money instead of Browne distributing it himself. This was the agent in whose hands was placed the securing of votes for Mr. LORIMER.

I fully agree with the expressions that we have had as to the character of Mr. White, who made the original charges. I do not know anything baser than his conduct. His character was such that it seems quite impossible that any man should be mistaken about it. I would not believe him, uncorroborated. But I beg the Senate's attention to the fact that this case is full of testimony to the effect that Lee O'Neil Browne was an intimate, warm, personal friend and boon companion of White; and one of the things which goes to blacken the character of White is his intimacy with the arch corruptionist of the Illinois Legislature. I have read you one letter from Browne to White, in which he accounts for his failure to attend the meeting of July 15. Let me read you another:

OTTAWA, ILL., September 9, 1909.

FRIEND CHARLES: Just got your letter. Am awfully sorry for you, old pal, because I know how true a good fellow and gentleman you are. Your fault, old pal, is in trying to go too—fast. You must cut it out for awhile, old boy. I'll do all I can to land you in a job, but do not yet know when LORIMER will be able to do anything, or, rather, when he will do anything. But I'll do all I can, Charlie. Am pretty hard up myself after the vacation we all had, but have managed to scratch out a fifty for you. Hope it will do some good, anyway. I am down at the "grind" again, working like a slave. It's sure h—l after the "music and flowers" we had for a time this summer. But when a thing has got to be done, I can always shut my teeth and go to it. It's the only way. It's hell, but that's the price one pays for most of the pleasure of life. I always did, at least. Good-by, old man, and God bless you. Wish I could do more for you.

Your friend,

LEE O'NEIL BROWNE.

Mr. President, White and Link and Beckemeyer all have sworn that on the 21st day of June Mr. Browne paid to them \$1,000 each, and two of them testify to that payment being pursuant to promises made by Browne to them before the election of LORIMER. Are we to reject that testimony? Upon what ground are we to reject it? It is opposed by the testimony of Lee O'Neil Browne, who certainly upon this record stands on no higher plane than White, his intimate friend. Upon what

ground are we to reject the testimony of these three witnesses and accept the testimony of Lee O'Neil Browne, which we already know to be false, because he denies, denies under oath, denies, as we know, falsely, the disposition of the jack pot. The division of July 15 he denies equally with the division of June 21. We know his oath is false, and are we to take it, proved to be false as to one of those two distributions, and assume it to be true as to the other?

Mr. President, the best test as to the credibility of human testimony is its conformity to the known facts and the accepted rules of action of human nature. The relation between Lee O'Neil Browne and his followers is proved to be the relation of corruption. The leadership of Lee O'Neil Browne over his followers, by which he brought them to vote for this candidate of an opposite political faith, is shown, beyond the possibility of dispute, to be a leadership founded upon the inveterate custom of following his vote and dividing the proceeds of the bribery of which he was the collector and distributor.

Put that fact, the great salient fact, of the case by the side of the testimony of these unimpeached witnesses, showing that methods of bribery regarding LORIMER were being followed; the testimony of Grove and of Terrill, and of Meyers, who was approached with a suggestion of a bribe by Browne himself—put those together, those specific facts, and this general relation of Browne to his followers, and what are the probabilities? Will any man in his inner belief resist the conclusion that Browne exercised his control over his followers for LORIMER just as he exercised it in ordinary matters of legislation? Can any man resist that belief?

Mr. President, we can not make a finding based solely upon a belief of that kind. We may have a moral certainty, but we can not vacate a seat in the Senate on a moral certainty. But when there is a moral certainty derived from a course of conduct and the character of men; when there is a moral certainty that there has been corruption, and there is also specific and direct evidence of the corruption, we are not at liberty to reject that evidence. There can be no corroboration of human testimony stronger and more compelling than what we know of the character of Browne, of the business he was engaged in, of the method and source of his control over his followers—I say there can be no stronger corroboration than that knowledge, to the testimony of Meyers and Grove and Terrill and to the testimony to specific acts of accomplished bribery by White and Link and Beckemeyer.

There is one other circumstance which is a little aside from the main current of this sewer which we have been considering, and that is the bribery of Holstlaw. Mr. Holstlaw was, prior to the meeting of the Assembly of Illinois of 1909, in which he was a senator, a reputable man, of good standing in the community in which he lived. He was a small banker in the town of Iuka, Ill. He testifies that Mr. Broderick, another Democratic senator in the Legislature of Illinois, who was a saloon keeper in Chicago, spoke to him about voting for LORIMER, and said to him that there was \$2,500 in it for him if he did.

He testifies that about the 16th of June, or just before the 16th of June, he was sent for by Mr. Broderick to come to his place of business in Chicago. He testifies that was either by letter or telegram, and that he went there; that Mr. Broderick handed him \$2,500 in a package and he took it and went away, Broderick at the same time telling him there would be more for him later.

He went away, and he went to the State Bank of Chicago and deposited this \$2,500 in the name of his bank, the Holstlaw Bank, of Iuka. The cashier of the State Bank of Chicago was called, and he testified that Holstlaw did on that 16th day of June deposit this \$2,500 in bills to the credit of the Holstlaw Bank. Broderick's testimony is the only testimony in opposition to this evidence given by Holstlaw and by the bank cashier, the bank clerk. Mr. Broderick admitted that Holstlaw was at his saloon on that day. It is admitted that Holstlaw never was there before. It is admitted that he never was there again except once when, soon afterwards, the following month, Broderick sent for him again and he came in and Broderick gave him \$700. He never was there before. He never was there again. He had no business there. He had no business there at all, unless it was to receive this money. No occasion for his going there for the first and last time in his life is suggested unless it was that.

Mr. Broderick was called as a witness. He denied that he paid Holstlaw any money on either occasion; but when an attempt was made to cross-examine him, the moment that the questions pointed to any fact in which he might be detected in falsehood, he refused to answer, upon the ground that he would be compelled to give testimony against himself.

Mr. GAMBLE. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from South Dakota?

Mr. ROOT. Certainly.

Mr. GAMBLE. Would it not be fair to state that the Broderick referred to was under indictment at the time?

Mr. ROOT. Oh, yes.

Mr. GAMBLE. And claimed his privilege on that ground?

Mr. ROOT. Yes; he was. He was under indictment, but he was ready to testify far enough to deny, and he did not claim his privilege until counsel put his finger on some point where it was possible to contradict him if he swore falsely.

Q. Mr. Broderick, did you ever have any occasion to write to Mr. D. W. Holtzlaw in the month of August to call upon you?—A. I refuse to answer on the same ground as I said before.

Q. On what ground?—A. On the same ground as I stated before.

Q. On what ground do you refer to?—A. That I might be compelled to give testimony against myself.

Q. Mr. Broderick, when did Mr. Holtzlaw come to see you?—A. Well, I don't exactly remember the date, but he was in my place when I came in there.

Senator BURROWS. Witness, will you speak a little louder?

The WITNESS. All right.

Mr. AUSTRIAN. Had he come in response to any invitation from you to him?—A. I refuse to answer.

Q. Had you any business with Holtzlaw which would compel you to invite him or ask him to call upon you?—A. Repeat that again.

Q. Strike it out. Did you have any business with him which would necessitate his calling on you in the month of June or July?—A. No, sir.

Q. 1909?—A. No, sir.

Q. No business whatsoever?—A. No, sir.

Q. If he came to see you during the month of June or July, 1909, did he come on his own volition or at your request?

Judge HANCOCK. That is objected to, Mr. Chairman.—A. I refuse to answer; that is the same question all the time.

Then he is asked whether Mr. Holtzlaw talked with anybody else while he was in the saloon, and he refuses to answer upon the ground that it would be compelling him to give testimony against himself. That is the sole contradiction. There is the testimony of Holtzlaw, a witness unimpeached but for these transactions; there is the testimony of the chief clerk of the State Bank of Chicago to the deposit of the money, and there is the refusal of Broderick to subject himself to cross-examination upon the denial that he made as to the giving of the money to Holtzlaw.

Mr. President, there was a way perfectly plain to ascertain whether the testimony of Holtzlaw as to the fact that the money he deposited in the State Bank of Chicago on that day came from Broderick was true or not. There was a perfectly plain way either to contradict it or to corroborate it. The deposit was to the credit of the Holtzlaw Bank, of which he was the owner.

Mr. President, banks keep books. They have to do it. They can not do their business without them. Somewhere or other in the books of that bank there must have appeared the source of the \$2,500 which a year before this investigation had been deposited with the State Bank of Chicago to the credit of the Holtzlaw Bank. They could not have kept the books of that bank without putting that entry in there as coming from somewhere, and if they put it in where it came from and indicated some other source, that would have led directly to an inquiry at the source from which the books said it came, and if the entry was false to proof of its falsity.

But, with that plain means of contradicting the statement if it was false, they left untouched the testimony of Holtzlaw, corroborated as it is, but ineffectively contradicted as it is by this halfway witness. Corresponding to the admitted fact as it does, it stands with a strength of probative effect that no court in Christendom would disregard, and which requires of the Senate to find that one vote at least, cast on the 26th of May for Mr. LORIMER by Senator Holtzlaw, was procured by bribery, and by bribery on the part of the late cashier of another vote, Senator Broderick.

This, Mr. President, is another item of corroboration of the testimony to which I have already referred, showing the way in which the votes for Mr. LORIMER were secured in the assembly by Mr. Browne.

Mr. President, what is the effect of these facts plainly established, the fact that four of the votes cast were cast under the influence of money paid, and the fact that the money was paid by three others of those who cast the votes? We are not engaged in a technical proceeding, sir. We are engaged in a proceeding where we are bound, if there is sufficient evidence, to proceed in accordance with what we really know to be the truth.

I say again, however much we may believe it to be true that there is corruption, we can not act upon it unless there is evidence, but if we do on this record really believe it and there is evidence, we are bound to act upon the evidence.

Mr. President, I put it to the conscience of every Senator who is good enough to listen to my words whether he really believes that if Browne and Broderick and Wilson bribed White and Link and Beckemeyer and Holtzlaw to vote for LORIMER they themselves were pure in motives and free from the corruption which they were trying to bring about. How can anybody for a moment reconcile it with his knowledge of human nature that that was the case?

Yet we can not act unless there is evidence. But there is evidence. It appears first by the testimony of Mr. Meyers and then by the testimony of all these others that Mr. Browne was pursuing the same methods regarding the Lorimer election that it is proved he pursued in regard to ordinary legislative corruption.

It appears by the testimony of Mr. White, testimony that must be accepted, because it is corroborated by this great array of indisputable facts, that on the 21st of June, when Mr. Browne paid to him the thousand dollars and said, "Here is your Lorimer money," he had a blue belt about his waist in which he carried a large sum of money, and that when White referred to it, Browne said that the day before he had the money in his pocketbook, and a man jostled against him in the street and looked as if he was angry with him. He said that if he had known he had jostled up against \$30,000 he would not have been so anxious to look angry.

Mr. President, I say we are bound to accept that testimony, because it accords with what every one of us knows to be true. Every one of us knows that with bribery attempted upon seven independent members of a legislature, effective as to four, failing as to three, but evidence of it produced, never in this world did it happen, or could it happen, that there were not others.

So difficult is it to secure evidence of this kind of crime, so almost insuperable are the obstacles to confession and to testimony, that universal experience has established to the knowledge of us all that but a trifling, occasional, incidental portion of the corruption that exists, wherever it exists at all, is ever brought to light. So well is this understood that in England, in order that corruption might not continue to do its demoralizing work in their body politic, they have made by law the proof of the bribery of one voter fatal to an election, and they have made by law the oral admission, not under oath, of a voter that his vote was bought evidence of the truth of the admission.

The difficulties in the way of making proof where, in the vast majority of cases, both parties are guilty and neither can give evidence without stamping himself with infamy, are so great that we are bound to act upon the universal knowledge that the facts brought out here in evidence must have been accompanied by other similar facts; and here you have proof, here you have legal proof. I say, Mr. President, no Senator is at liberty to reject that proof which corresponds with his own belief.

It appears, also, by Mr. White's testimony that Mr. Browne stated at the time, as part of the *res gestæ*, that he considered himself entitled to a larger share of the corruption fund than the other for his risk. Here is what he said:

He told me that he ought to have more than the other members, but he could not tell * * * "I can't tell some of the fellows that, but I ought to have more than some of the other members, because I run greater chances and take more risks."

I say you are not at liberty to reject that testimony. You are not at liberty, having lawful evidence to rest a finding upon, to reject it and proceed upon the assumption that every one of us will know to be false, that this professional corruptionist, this collector and disburser of bribes, this leader in the system of organized bribery, who has disgraced the State of Illinois for many years, was himself pure. Without evidence we can not give effect to what we know and believe, but with evidence we can not reject it.

It further appears by the testimony of Mr. White that Clark, one of the members of the southern Illinois crowd, as Browne calls them, was present at the meeting of June 21 when the Lorimer money was divided, and at the meeting of July 15, when the jack-pot money was divided, but who denied it, told White then, at a time near enough to the events to be a part of the *res gestæ*, that he was dissatisfied with the share he had received, and told him that Link, one of the other men who was bribed to vote for LORIMER, was ready to vote for \$500, but that upon his persuasion Link had held off, and they each had got \$1,000 apiece.

Mr. President, on the 28th of last May the Senator from Illinois [Mr. LORIMER] vouched for Lee O'Neil Browne as a strong, high-minded, God-fearing, honorable man, who believed the Bible from cover to cover. I am glad that this record permits us to believe that Mr. LORIMER was mistaken in his estimate of Mr. Browne.

But, Mr. President, he made Browne his agent. It was through Browne and by Browne's practices that the vote was secured which made Mr. LORIMER a Senator of the United States, and it is doing him no injustice to hold him not to that criminal accountability which requires knowledge and intent, but to civil responsibility for the consequences that flow from the action of his agent.

Mr. President, we here are not a court in the discharge of this high function; we are more than a court. There exists no power in any government short of an amendment of the Constitution of the United States to limit or control the evidence we shall receive or the grounds upon which we shall act in judging the qualification and election of a Member. The sole limit is the limit imposed by our own sense of what is just and right and for the public weal. No strict rules of evidence control us, no statutes declaring what shall or shall not constitute a good election. We are not a board of canvassers counting votes; we are a body which Congress itself can not control, protecting the integrity, the purity, and the efficiency of this great representative body, in many respects the most powerful body under representative government in the world. We are charged with that duty, and our own consciences and sense of justice must determine the action we take in the performance of the duty. The question for us to determine is whether, upon the whole, taking all this testimony together, the election of WILLIAM LORIMER was brought about by corrupt practices.

It was held by a committee of the Senate in the Caldwell case in 1873 that the payment of money to secure the withdrawal of a rival candidate for the Senate, through its indirect influence upon the subsequent voting, was sufficient to invalidate an election. The judgment of the Senate upon that proposition was prevented by the resignation of Mr. Caldwell. It was held by a committee of the Senate in the Payne case that the payment of money to the members of a caucus, by reason of its indirect effect upon the votes subsequently cast, when no one was bought to vote in the election, was sufficient to invalidate an election.

It appears to have been held in the Clark case by a committee of the Senate that when a number of votes were shown to have been procured corruptly, sufficient if they had been cast for another candidate to have changed the majority, that that would invalidate the election. The judgment of the Senate was prevented in that case also by the resignation of the candidate.

I make two distinct propositions as to the legal effect of this testimony. The first is that the deduction of the 7 votes—I should call them in view of the Clark testimony of 8 votes—the deduction of those votes from the 108 votes cast for Mr. LORIMER, leaving Mr. LORIMER with less than a majority of all the votes of the joint assembly, invalidates his election.

The Senator from Texas [Mr. BAILEY], who knows very well my opinion of his intellectual power, for I have not hesitated to express it, with the accuracy of mental process that always characterizes him, put a question the other day on the floor whether it was possible to sustain the proposition that you can deduct the 7 votes from the Lorimer vote, leaving 101, and not deduct them from the total vote cast. I answer that it is perfectly immaterial how that question is answered. You will perceive that if you stop there, as the Senator from Texas does, deducting the 7 votes from the 108 would leave 101 votes for Mr. LORIMER; deducting the 7 votes from the 202 would leave 195 votes cast; and the 101 still remaining of votes not proved to have been bought for Mr. LORIMER would be a majority of 195. That is the way it works out. There the Senator from Texas stops; but I must insist that he go with me a step further. Why does he deduct from the 202 votes that were in fact cast these 7 votes proved to have been corrupted? Because they are corrupted. Because they are corrupted they are deducted from Mr. LORIMER's column; and for the same reason they are deducted from the total vote.

What is it that makes Mr. LORIMER's 101 good votes a majority? The deduction of these 7 from the total vote, and that deduction leaves Mr. LORIMER 101 votes, a majority brought about by bribery.

What matters it whether the money that Browne distributed was used to swell the Lorimer vote above 101, so that he would have a majority, or was used to reduce the total vote so that 101 would be a majority? Either way that the result is produced, it is produced by corruption. That can not stand; or if it does stand, the Senate can not stand; or if the Senate does stand with its Members holding their places by such a tenure, the Government of the United States can not stand.

I make another proposition. It is that, without counting additions and subtractions of the seven specific votes, we have in this testimony such general comprehensive and undisputable proof as to the character of the entire control by Lee O'Neill

Browne over the 30 members of his band of robbers, whom he led to vote for LORIMER, that we are bound to reject an election based upon all of them.

Upon this record there is not one vote of the 30 that is entitled to be considered a pure and honest vote. Upon this record the whole movement of the corrupt crowd—the confessedly corrupt and venal crowd—that followed LORIMER's agent Browne to the vote, ought to be treated as no valid basis for a seat in this Senate.

Mr. President, it is an ungracious task to urge such considerations; it is a disagreeable duty for Senators to listen; but for many years the people of the United States have been growing in an uneasy conviction that seats in the Senate of the United States have been obtained by bribery, and that, owing to the difficulties of securing proof, the natural unwillingness of colleagues to believe ill of their fellows, owing to whatever cause it may be, attempts to bring home to a Member charged the consequences of what the people of the country have believed to be corrupt practices uniformly fail.

It is this belief, Mr. President, that has reduced the honor paid to the Senate of the United States. It is this belief, sometimes based upon the mistaken observation of the people of the country whom we represent, that has been sapping the confidence of the people of the country in the Senate of the United States. This belief is one of the great considerations underlying the widespread demand for a change in the method of choosing Senators of the United States. This belief is one of the great considerations which are warping our people away from their confidence in the representative Government established by our fathers. It is one of the things that is making them distrust the possibility of pure and honest representative government, and it is bringing about long strides toward a change in our system of government; it is carrying great sections of our country away from the old methods of the Constitution.

If we would preserve the Government of the fathers, if we would preserve the honor and integrity of the Senate, if we would do our full duty to our country under our oaths, we are not at liberty to reject the testimony in this case, which shows this seat to be filled here as the result of corruption. Hard it is; but as we have had fathers who have made sacrifices for our land, as we have children to whom we hope to hand down a Government of peace and justice and liberty, it rests with the Senate of the United States to do its duty now, and, hard and unpleasant as it may be, purge itself of the results of this foul conspiracy against the integrity and purity of our Government. [Applause in the galleries.]

THE VICE PRESIDENT. Demonstrations of approval are not permitted by occupants of the galleries.

Mr. NELSON obtained the floor.

Mr. HALE. Will the Senator from Minnesota yield to me for a moment?

THE VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. NELSON. I yield to the Senator from Maine.

Mr. HALE. I do not think, Mr. President, that the Senate has been comfortable while the distinguished Senator from New York [Mr. ROOR] has made his powerful arraignment in this case, involving primarily a seat in this body. As I listened to that arraignment I was not comfortable; as I listened to that arraignment, Mr. President, the incumbent of the seat disappeared. The Senator's powerful, eloquent characterization—

Mr. BAILEY. Mr. President, might I interrupt the Senator? Of course I know that he does not want anything to go into the Record except an accurate statement, and I think he will find upon inquiry that the Senator from Illinois [Mr. LORIMER] was not in the Chamber, and therefore he did not leave it.

Mr. HALE. I am not speaking of the physical disappearance of the Senator from Illinois, but I am speaking of the disappearance of the Senator in my mind, not physically, as the result of the arraignment of the Senator from New York. It was not—

Mr. BAILEY. Mr. President, the people who read the Record might probably be as dull as I was, and think that the Senator referred to the fact that the Senator from Illinois absented himself; for that is what I thought he meant.

Mr. HALE. Then, Mr. President, I have been most unfortunate. The physical disappearance, which I did not know of, had nothing whatever to do with what to me was the melancholy, the lamentable arraignment, not of the Senator from Illinois, whether here or elsewhere, but of the great, majestic, as it should be, State of Illinois. And, Mr. President, I do not want this case to go from the Senate and be finally decided, however it may be, until some Senator or some friend of that great State shall arise here, and, if possible, free that State

from what is the inevitable result of the charges of the Senator from New York.

It is not Mr. LORIMER; it is not this seat; but if we shall believe in what the Senator from New York has presented to us, there has for years existed in that great State, and to-day exists in its legislature, the most profound, the most abominable practice and habit of corruption. I should like before this case is disposed of that some Senator, perhaps my venerable friend from Illinois [Mr. CULLOM], who has so long represented that State, without a stain upon his record, I should like for him to tell us whether these things are so.

Mr. President, the State of Illinois is an empire. It has had a great past; it has had great men in great public stations, and great characters of integrity of the loftiest kind, of integrity unimpeached. It is the State of Douglas and of Lincoln, and of other great names. Grant himself, whom the tongue of scandal and reproach never visited, was an Illinoisan. To me, Mr. President, it has been most profoundly depressing that the charges made by the Senator from New York affect not so much Mr. LORIMER as the legislature and the practices and the habits of the great State of Illinois.

I only arose to say that I hope, before this discussion ends, somebody will come to the rescue of that great State. I know something about political mutations and changes of legislatures, and it is a matter of the greatest pride to me—soon to go out of this Senate, to be succeeded by an honorable gentleman upon the other side of politics, whose character is unimpeached—that never in my State, never in my legislature has any question ever arisen involving the charge of corruption.

It is a matter of pride to me, Mr. President, that as I leave this body I can say that for the State of Maine, and it is a matter of amazement to me that such a powerful arraignment as the Senator from New York has made here involves the integrity and honesty of the legislature and of legislative practice in the great State of Illinois. I hope somebody will come to her rescue.

Mr. BAILEY. Mr. President—

The VICE PRESIDENT. The Senator from Minnesota [Mr. NELSON] has the floor. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. Certainly.

Mr. BAILEY. Mr. President, I take pleasure in saying that the Senator from Maine [Mr. HALE] can not feel a better-warranted pride in his State than his State can feel in his long and honorable service. But I want to say, in response to what he has said—and that is the purpose for which I rose—that if the doctrine announced by the Senator from New York [Mr. ROOR] is to be accepted and followed by the Senate, there has not been a lawful election in the State of Illinois for several years, because the proof here, so far as that proof can be accepted by the Senate, is that this legislature was not an exceptional one in that Commonwealth.

For my part, I refuse to believe that a great people like those of Illinois are rotten to the core, and unless they are these practices could not have gone unchallenged and uncorrected. But if we are to try Senators here upon the general misdeeds and misconduct of legislatures, then the Senator whose right to a seat is challenged now is not the only one who must yield his place. The venerable senior Senator from Illinois [Mr. CULLOM], to whom the Senator from Maine [Mr. HALE] has alluded as having served long without a stain and without reproach, was elected by one of these legislatures; and yet there is no man here—and I say it the more cheerfully because I must speak it across the aisle—there is no man here who believes that he was ever a party to any of these evil practices. But if that is the law I shall dispute that proposition in law, and I think I can demonstrate that it has no foundation in logic or in authority, and no justification in the law books or in the precedents of the Senate—but if that is the law in the case of LORIMER it is the law in the case of CULLOM.

Mr. HEYBURN. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. I understand the Senator from Idaho desires to continue the debate, and on that account I yield to him.

The VICE PRESIDENT. The Senator from Idaho.

Mr. HEYBURN. Mr. President, as a member of the committee upon whom rested the responsibility of investigating this question, I will take this occasion to state the reasons that actuated me—and I shall be very brief, because I am not going to review the testimony at all; I shall state the reasons that actuated me in joining in the majority report of the committee, and the additional reasons as stated in a separate report which the committee returned with their report.

The VICE PRESIDENT. The Senator will suspend a moment. The Chair will attempt to obtain better order in the Senate Chamber, and the Chair calls the attention of the Sergeant at Arms or his representative to the fact that there are numerous people on the floor that are not entitled to the privileges of the floor. The doorkeepers in the galleries must prevent so much confusion. When the Senate is in order the Senator from Idaho will proceed. [A pause.] The Senator from Idaho will now proceed.

Mr. HEYBURN. Mr. President, when I entered upon the duties as a member of the Committee on Privileges and Elections and upon the duties as a member of the subcommittee I did not start on a man hunt. I entered upon those duties without passion or prejudice or the desire to find an excuse for tearing any man down from a position to which he had been elevated by the people of a great State. The incumbent [Mr. LORIMER] had sat in the Senate unchallenged for more than a year before any man dared to impugn his right or his character as a Senator. He had sat as a Member of the House of Representatives, elected to that position by the people of his congressional district, for nearly 13 years before he came into this body. That is a long record in public service, and it is one that should stand between any man and the presumption that he is guilty because he is charged.

It was in that spirit, actuated by those views, that, speaking for myself, I entered upon this unpleasant duty. The source from whence the charge came to the Senate had had more than a year from the time of Mr. LORIMER's election in which to discover the things that they brought to us for our investigation, and no hint of them had reached the public ear. That must be taken into account in estimating the probabilities of this question—and I use that word because we have been asked this morning to weigh probabilities. We have been asked, Is it not probable that thus and so occurred? In the judicial mind in determining the rights of mankind probabilities do not enter. The law and the facts are the measure of the rights of the people on the one hand and of the charged party on the other.

In my mind during every hour of this investigation and now the presumption of innocence has attached to the Senator from Illinois, just as it would attach to a prisoner at the bar. There is not a man in this body whose life has been so clean or whose character is so high against whom you can not find some irresponsible person to prefer charges or make assertions.

Mr. President, I am not going to analyze the testimony for the purpose of determining what weight is to be given to the charges against these five men, because I am going to admit that they are guilty of the things that are charged. They said they were; and, so far as I am concerned, they stand confessed criminals, unworthy of the confidence or of the attention of any man.

I do not believe that the great State of Illinois will suffer because of the indictment that we have heard against it. A State with the history and the associations to which our attention has been called will rise above charges that are directed against individual citizens, whose obscurity will probably represent the salvation of the State as against any damage at their hands. Some constituencies in Illinois since the taking of the testimony in this case, and with a full knowledge of it, have reelected some of these persons to the offices they held, and, holding which, they prostituted by those vile acts to which the testimony has directed our attention.

I am neither going to charge the State of Illinois for this, nor am I am going to defend it. The conclusion I reach in regard to the guilt of men like White and Holtzlaw and that coterie of seven will not affect the reputation of the State of Illinois. We are not, however, charged, either as a committee or as a Senate, with the duty of investigating the character of the people of that State beyond the limit of those that they put forward in this particular instance.

Mr. President, the State of Illinois is a sovereign, and it is capable of making and executing the laws that are calculated to keep the peace and create and defend good citizenship. That is the function of the laws of the State, and Illinois is capable of doing it.

I did not feel when we went to Chicago to inquire into this matter that the credit of the State of Illinois was involved. With the millions of people who inhabit that State, a little handful were charged with crime and corruption. We are not going to judge or condemn a great State because of that.

I have listened with exceptional interest to everything that has been spoken here this morning. In the separate report which I submitted, and which is a part of the report of the com-

mittee, I suggest this, which was the controlling idea in my mind:

In this case Mr. LORIMER is neither charged nor shown to have bribed or corrupted any member of the legislature who voted for him, or to have furnished any money to any person for such purpose, neither has it been shown that he had any knowledge of any bribery or corrupt practice in connection with his election. We do not have to weigh testimony to arrive at this conclusion, for there was no attempt to establish such conduct or knowledge on the part of Senator LORIMER.

The proceedings were practically opened by a statement from the charging parties of the facts which I have there stated. Not only that, but with all of this power of newspaper prejudice which brought about this inquiry they were unable to bring a word of testimony to the ears of the committee upon which it could be even suggested that Mr. LORIMER was in any way connected with this matter.

The facts are that Mr. LORIMER did not want to be elected United States Senator. He was there in the interest of another man. The testimony, which is in this record, that Mr. LORIMER did not want to be elected a Senator is undisputed. Mr. LORIMER was a Member of one of the Houses of Congress. He had won a position there on committees and with his fellow Members. He had charge of a great work in connection with the waterways of his State between Lake Michigan and the Mississippi River, and he was devoting his life to that purpose there, and he said to these people, when they talked to him about taking the place that was under consideration for others, "I do not want to be a United States Senator; I want to finish my work in the House." And when he was about the statehouse at Springfield he was there in the interest of a man whom he thought would aid him in this body to carry out that waterways scheme. The testimony discloses these facts in such plain words as leaves no ground for doubting them at all.

Mr. President, the party who brought the charge to the attention of the Senate upon which the Senate acted makes no reference to Mr. LORIMER's connection with it, makes no claim, presents no allegation, that Mr. LORIMER personally had anything to do with it. You will find it in the beginning of the report of the testimony in this case, and if you will read it you will find that even that man, the bitter foe of Mr. LORIMER, who had taken the trouble to get this case together, with the venom in his heart that would prompt a man to make this charge, did not dare attempt to connect Mr. LORIMER with it.

And are we, with less knowledge than that man, with only the knowledge that can come to us through legitimate testimony, to go further and go beyond him, charge his enemy with more than he charged him with? That would be a man hunt. That is what I mean—to go out and hunt a man for the purpose of dragging him down because you do not like him or because you are acting in confederacy with others who do not like him. I will have no part in that.

I will be perfectly candid, and I say it in all good spirit, I do not like the election of a Republican Senator by Democratic votes, and I do not like the election of a Democratic Senator by Republican votes. Those are my individual principles. But, Mr. President, I did not and would not allow that to prejudice me against Mr. LORIMER. So far as my judgment is concerned, it is a question here of counting the legitimate votes and determining whether or not Senator LORIMER received a majority of them. I do not propose to enter into a trial of his personal character, although there is no man in this body whose character would be better justified by an investigation. Every man who ever knew him admits—the worst enemy he has on earth admits—that he is a man of the highest personal character, who has fought and won his way up from the curbstone.

Mr. President, every corrupted vote should have been stopped at the doorway of the legislature and excluded from its halls. Then you would have the Legislature of Illinois which was entitled to perform the acts and duties imposed upon them. That is the basis of the test in this case. There were 203 living members of the legislature. The legal number of members was 204. One was dead, so that there were 203 entitled to participate in it, barring the circumstance that they had disqualified themselves under the law. It would have been the right of that legislature and its duty to have turned the keys on those seven men, if you please, and I include Lee O'Neil Browne and I include Broderick in that number. They had a right to turn the key and shut them out, and then, if there were other men who had lost their right, or forfeited it, to participate in the proceedings of that body, purge the legislature of the incompetents first and find out what constituted the Legislature of the State of Illinois.

When you had so purged it you would have eliminated seven men from it just as much as though they had died during the night. They were no longer competent members of the legislature, and they should not be counted either for or against any measure. You eliminate seven from 203 and you have 196. If

you are purging the legislative body and eliminate those who have disqualified themselves as you eliminate men who had died, you have remaining the whole number minus the seven. Now, there is your legislative body ready for action, invested under the Constitution of the United States with power to elect a United States Senator.

Now, they are the only ones who could vote. The law says that the man who is elected must receive a majority of all the votes cast. That means legal votes. He must receive a majority of all of the votes cast. LORIMER, eliminating all of these men both from the body and from the count of the votes, received a majority of all of the legal votes cast. It was upon that basis that I arrived at the conclusion which I have stated in my second report in this matter, and it was because of that that I have heretofore cast my vote and shall continue to cast it.

If I were convinced that we could count those corrupted votes for any purpose I might then proceed to a further consideration of how you would count them, but, in my judgment, they are self-confessed bribe takers or bribe givers, and one is as bad as the other in my judgment. I draw no distinction at all between them. Browne, in my judgment, bribed or was the instrument that bribed certain members of that legislature, and I do not take his denials for it. Broderick, in my judgment, bribed a certain member or certain members of that legislature. I wish it might be otherwise. I wish I might feel justified in believing otherwise. The question with me is as to the result that flows from a condition of which I am perfectly well satisfied.

I do not see the Senator from New York here, but I will say that he was mistaken in suggesting that the speaker did not testify. There are 12 pages of his testimony in this book. I think the Senator overlooked it.

The speaker testified absolutely that there was no corruption that came to his notice. He had been voted for for United States Senator; he wanted to be United States Senator; and yet when he found that he could not be elected and that the legislature was going to adjourn without electing anybody, he was willing that LORIMER should take his place as a candidate.

There was a bitter political fight there. Senator Hopkins had been nominated at the primary election. He had a majority of the Republicans of the legislature favorable to him and voting for him. He did not have votes enough, and it is very evident that had they not agreed upon Mr. LORIMER, or perchance some other, there would have been no Senator elected from the State of Illinois.

The State of Illinois is as reputable as any other State in the Union, and no man dares say otherwise. Merely because there is down in the corner of a bin of wheat a few grains of mold or rust, you are not going to condemn the entire product. Merely because a few corrupt men have worked their way into a legislature and do corrupt things for corrupt purposes are we going to hold a great State responsible for it? I am not going to join in doing it either by voice or by my vote.

I do not say what I am going to say in bitterness or sarcasm or reproach, but I want to say that I have felt—perhaps it is my fault—as I have listened to the speeches that have been made here in favor of the expulsion of Mr. LORIMER, that some who have spoken have indulged themselves in a presumption that he is guilty. We are not justified in doing it.

The distinguished Senator from New York [Mr. Root] came pretty near saying that we were justified in our inquiry in extending it out into the field of conjecture. Whenever that day comes government by law will have passed away.

The great State of Illinois will not sink out of existence because of this. Public attention has been attracted to it. They will take notice of it. They will purge themselves. This body has not the power nor does the duty of doing so rest upon it. It is as sovereign in its way as is the Government, and it was exercising a sovereign right given it under the Constitution when it entered upon the election of a United States Senator, and the presumption is that men acted with due regard to their conscience and honesty. You will have to get something more than the testimony of Mr. White or Mr. Browne or any of that coterie to convince me that the average standard of citizenship in Illinois is not as high as in another State, and you will have to get something more than the testimony in this case when you convince me that the people of Illinois are not as capable of purging their citizenship and their government as the people of another State, or to convince me that it is any part of the duty or the right of the Senate of the United States or the Government of the United States to do it. If we are going to inquire into the character of the citizenship which Illinois sends to her legislature, outside of matters touching the subject under inquiry, we would undertake a pretty large task, and

they might come back at us and suggest that that rule might be applied elsewhere.

The difficulty with this subject is that it has spread out over too much ground. Questions have been considered that are not pertinent to or necessary to be considered in determining this question. I have thought of entering at some length into a consideration of the testimony in this case, but when I realized that my conclusion as expressed in the separate report represented my sentiments, my conscientious belief, I said to myself, "Why go through the testimony to prove that which you are admitting? I admit the corruption and the bribery of a given number of men, but they are not sufficient in number to affect the result of this election."

Now, that is the test of the whole proposition. That is the inquiry that you sent us out upon, and you designated us as a committee to go out. It was not to go out and see whether or not any of the people of Illinois or all of them were corrupt. It was to go out and see whether or not there had been corruption to the extent and of the character contemplated by law to render the election of Mr. LORIMER invalid or in violation of the Constitution.

So far as I am concerned, and I am quite sure I can say it for every other member of the committee, that is what we did. We have been asked why we did not send for certain people. I will give away a little of the secret proceedings of the committee in order that there may be no misapprehension in regard to that. The witnesses who were called before the committee were selected by the committee. In our executive sessions we discussed as to every witness, what will he testify to; why is he called; is his testimony pertinent to this issue? All of those questions were gone into, and further. Are there witnesses who can be brought here who will go beyond these charges to the enlightenment of the committee? All those questions were considered, and the committee gave the list of the witnesses to the officers, and they were subpoenaed for the purpose of testifying in the case. We did not take the names of the Chicago Tribune witnesses as the whole story. The Chicago Tribune and others suggested names, and witnesses suggested names of other witnesses, and the committee acted, in its judgment, just as a court would have a right to act. While the record does not show the executive proceedings, inasmuch as we were representing this body, it is proper to say to you that we were not remiss in the matter of bringing testimony before the committee in this case.

The committee was comprised, in the main, of lawyers who had long years of experience in the preparation and trial of cases, and I am sure that no member of the committee feels called upon to apologize for the manner in which this case was developed. I want that to stand as an answer to the suggestion that we were the mere instrumentality of the Chicago Tribune. The Chicago Tribune asked that it might present witnesses, and it was granted that right by the committee after due consideration. It is not necessary to go into the consideration of that question—that is, as to the discussion that occurred in the committee. But that right would have been afforded to anyone claiming to have in his possession information, or to know of witnesses who ought to have been called in the case. It would have been accorded to anyone.

Some of the witnesses were called at the instance of the committee without any suggestion from anybody, and if there is any Senator here who can name any witness who ought to have been called, we would be glad to have the suggestion, but we would have been more pleased to have had it, if the Senator knew of the existence of the witness, at the time.

Mr. PAYNTER. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. Certainly.

Mr. PAYNTER. A complaint has been registered against the committee to-day by the distinguished Senator from New York [Mr. ROOR], and one of the specifications is that the committee did not call Speaker Shurtliff as a witness.

Mr. HEYBURN. Well, we did call him.

Mr. PAYNTER. A very casual examination of the record will disclose the fact that he was introduced as a witness; he was called at the instance of the committee.

Mr. HEYBURN. Yes; there are 18 pages of his testimony.

Mr. PAYNTER. If the Senator will allow me, I will say that there are other statements which have been made here against the committee that are absolutely as baseless as that. Furthermore, if the Senator will allow me to make a suggestion—

Mr. HEYBURN. Certainly; I am pleased to yield.

Mr. PAYNTER. It has been suggested here that we should have called Arnold and Marshall, the assistant State's attorneys, of Chicago, to contradict Shephard and to contradict

Link, upon whose testimony it is claimed that the third degree was administered by State's Attorney Wayman and his assistants. The State's attorney went upon the witness stand, and he did not contradict what they said with reference to the third degree. Why should the committee, when two witnesses offered by the prosecution testified to it, when the district attorney did not deny it, although he was a witness in the case, have called the other witnesses to show the administration of the third degree? In addition—

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. I have already yielded to the Senator from Kentucky. I do not know whether he has finished or not.

Mr. PAYNTER. I really did not intend to take up quite so much time as I have consumed, but I am perfectly willing, so far as I am concerned, to yield to the Senator from Idaho.

Mr. BORAH. I was going to say that the district attorney who went upon the stand was not, as I recall, in position to deny what took place between Mr. Arnold and Mr. Link and Mr. Beckmeyer, because the district attorney, Wayman, was not present when the conversation was had.

Mr. PAYNTER. I should like to make this response, that Mr. Link testified that State's Attorney Wayman held the indictment under his nose and pointed out the penitentiary upon the one side and his family upon the other.

Mr. BORAH. I am aware of that fact, and I have only suggested that Wayman, whom they did call, was not present, as I understand, when that scene took place.

Mr. PAYNTER. When which scene took place?

Mr. BORAH. When Mr. Arnold held the indictment—

Mr. PAYNTER. No; I said that the State's attorney, Wayman, according to Mr. Link, held it under his nose and pointed out the penitentiary upon the one hand and his family upon the other. Link was put upon the stand, and if he was telling a falsehood in that particular, why did not Mr. Wayman—

Mr. HEYBURN. I think I can dispose of that question. As one member of the committee, I do not care whether these men were telling the truth or not in regard to that particular circumstance, and I would not have taken the trouble to call a man out of the next room. They had made confessions which, in my judgment, stamped them as utterly unworthy of belief and as eliminating entirely their testimony from the case. I did not care whether they testified under the pressure of the third degree or whether one man or another examined them. We had reached a point where it made no difference to me.

Mr. BORAH. I am inclined to agree on that proposition.

Mr. HEYBURN. And I eliminated them in my consideration of this case. Why spend time over them?

Mr. PAYNTER. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho further yield to the Senator from Kentucky?

Mr. HEYBURN. Certainly.

Mr. PAYNTER. I should like to make just one observation, because there may be no other opportunity of doing so to-day, and I should like to have it go in to-day's RECORD with the speeches that will go into the RECORD.

The distinguished Senator from New York complains of the committee in another particular. He says that the committee should have called the cashier of the bank at Iuka to show where Holstlaw got the \$2,500. That is one of the charges which he makes against the committee—of neglecting to perform its duty as it should have done.

The theory of the prosecution is that Holstlaw got the money from Senator John Broderick. If the committee had sought to impeach what Holstlaw said upon that point it would at once have been charged with endeavoring to do away with the alleged incriminating evidence which was given by Holstlaw.

In addition to that, how could the cashier of the bank at Iuka know where Holstlaw, a man said to be worth \$250,000, got \$2,500? In the first place, the suggestion is not justified by law or reason. In the next place, it would not have been proper for the committee to pursue such a line of investigation.

There are two or three other questions of the same character that have been suggested to which, if I am permitted, in the future I shall devote little time.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. I will not continue the controversy. I only rose to say, with reference to the first proposition the Senator suggested, that, as I understood, the matters between Mr. Arnold and the witnesses took place between Mr. Arnold and the witnesses, and not between them and anyone else who was called upon the witness stand.

Mr. HEYBURN. Mr. President—

Mr. PAYNTER. Just a moment. If Shephard and Link told the truth with reference to State's Attorney Wayman, with whom substantially the same thing took place as with Arnold and Marshall, was it the duty of the committee to call them and ask them in regard to matters of the same character? There was no issue of fact upon the question of administering the third degree in the State's attorney's office. If there had been, then perhaps the committee should have called them.

Mr. HEYBURN. Mr. President, I have eliminated that whole proposition from my consideration of the case. It is not material whether it was done in this way or in that. Mr. President, I think the Senate has a very fair comprehension of the issues involved in this case, and will be able to eliminate extraneous matter without much assistance at my hands. It is easy to do what this villain White did—to get up a sensational story and sell it for \$3,500—and men are often tempted to let their minds run off in lines that are sensational. This has been a sensational case from beginning to end. It came in a sensational hour, and it has been used for sensational purposes. There is not a lawyer in this body who, if he sat upon a judicial bench, would have listened to one-fourth of the froth, the waste, that has been injected into this controversy. I would not charge any man with doing it, but is it possible that any man would seek to make political capital out of the wreck of a fellow-Member of this body? The slipperiest foundation that any human being has ever stood on is the wreck he has made of a brother.

Are you not going to give any credit to the public life of this man as an argument against the probabilities of which we heard this morning, that if this little thing has been proven is it not probable a hundred other things occurred? That will not do. It is not a fair rule in judging of your fellow men or of any other subject on earth where humankind is interested.

Mr. President, if you deduct the votes that in my judgment were corrupted or were corrupt from the number of votes cast, still Mr. LORIMER is entitled to his seat in this body. Now, that is all there is of it.

If we were to treat this charge as an indictment it would have been subject to demurrer because it alleges that there were three corrupt votes, and on the face of the indictment that in itself would not be sufficient to affect Mr. LORIMER's title to the office. That indictment contains no word or suggestion that connects Mr. LORIMER with it. It would have gone out on demurrer. But you are allowed to amend—I say you, I am speaking of those who are taking the opposite position—you are allowed to amend your indictment without resubmitting it to the grand jury and undertake to prove that 7, 8, 9, 10 men were guilty of that class of conduct which would render their votes void.

When a Member of this body, having been a Member of it and occupied his seat unquestioned for more than a year, is suddenly attacked, the presumption is that the attacking party brings everything that could be brought into court when it first comes.

It was sought to convert this charge into a growing charge. Men were at work while the hearing proceeded trying to find new charges and new witnesses and new infamy. The committee conducted itself as though every member of it was sitting with the responsibility of office as a judge in a case. We were not there either to hunt sensation or to recognize it. Bear that in mind. I know there is no Member of this body who wants to discredit the members of that committee. They performed their duty as conscientiously as possible.

There never was a case in court upon which an attorney with any skill at all could not make a speech upon either side and make a plausible case. But this is a question of fact. I could start upon the theory that these men were corrupt and weave a lot of oratory and rhetoric around it and make a high-sounding speech, and if you have forgotten the text you might arrive at a wrong verdict and convict a man because of the eloquence of those who spoke against him. Let us beware of that.

If Senator LORIMER had been a trickster all his life, if these vigilant parties who attacked him had brought evidence that in other campaigns in the State of Illinois he had been guilty of unfair practices or had participated in them, or had permitted them, there might be some reason to look to him and inquire as to his motive for being in his own State, the State he had represented, the State he had honored, and the State that had honored him. There might be some reason for the fact that he was in the speaker's room because he had been supporting the speaker as a candidate for the United States Senate, because he had refused to be a candidate himself and had been supporting the speaker. Any man familiar with the courtesies of public life knows that it needs no explanation further than that.

Mr. President, the hidden nooks that we have heard so much of are in the imagination and outside of this body. They rest in the venom of the mind that conceived them and brought them here. When a man will suffer and tolerate a crime of which he knows to grow a year old in the place where his conscience ought to be, he is discredited among honest men.

Lately discovered crime naturally presents the inquiry, How long have you known about it? How long have you known the facts in regard to the proceedings before the Legislature of Illinois? Why, I have known them for a year. Why did not you bring them out? Why did you not make them public? There was no cashier in sight; and when they do come out we find that they are sold in the market of infamy, in the muckraking market of vicious journalism that is ready to tear down virtue from its throne and drag it through the mud and slime of publicity.

Mr. NELSON and Mr. BORAH addressed the Chair.

Mr. BRANDEGEE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Hale	Richardson
Bailey	Crawford	Heyburn	Root
Bankhead	Culberson	Johnston	Scott
Beveridge	Cullom	Jones	Shively
Borah	Cummins	Kean	Simmons
Bourne	Curtis	La Follette	Smith, Mich.
Brandeggee	Depew	Lodge	Smith, S. C.
Bristow	Dick	McCumber	Smoot
Brown	Dillingham	Martin	Swanson
Bulkeley	Dixon	Nelson	Tallaferro
Burkett	du Pont	Nixon	Taylor
Burnham	Fletcher	Oliver	Terrell
Burrows	Flint	Overman	Thornton
Burton	Foster	Owen	Warner
Carter	Frazier	Page	Warren
Chamberlain	Gallinger	Paynter	Watson
Clapp	Gamble	Penrose	Wetmore
Clark, Wyo.	Gronna	Percy	
Clarke, Ark.	Guggenheim	Perkins	

The VICE PRESIDENT. Seventy-four Senators have answered to the roll call. A quorum of the Senate is present.

ALASKAN COAL LANDS.

Mr. NELSON. I move that the Senate proceed to the consideration of the bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska, a bill reported unanimously from the Committee on Public Lands.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. For what purpose does the Senator from Idaho rise?

Mr. BORAH. I rise to move to lay the motion of the Senator from Minnesota on the table.

The VICE PRESIDENT. The motion will first be stated by the Secretary. The Senator from Minnesota moves to consider at present the following bill.

The SECRETARY. A bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska.

Mr. BAILEY. Mr. President, a parliamentary inquiry. If the motion of the Senator from Minnesota prevails, would that give the bill which is the subject of his motion precedence over the joint resolution proposing an amendment of the Constitution?

The VICE PRESIDENT. It makes it the business of the Senate at present.

Mr. GALLINGER. It makes it the unfinished business.

The VICE PRESIDENT. The Senator from Idaho moves to lay the motion of the Senator from Minnesota on the table.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. The motion is not debatable.

Mr. BORAH. I call for the yeas and nays, and I make this motion for the purpose—

The VICE PRESIDENT. It is not debatable.

Mr. BORAH. Of getting a free way for the joint resolution providing for the election of Senators by popular vote.

The VICE PRESIDENT. It is not debatable. The Senator is out of order. The Senator demands the yeas and nays on his motion to lay on the table the motion of the Senator from Minnesota.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I ask to be excused from voting on this motion.

The VICE PRESIDENT. Without objection, the Senator from Minnesota is excused from voting upon this motion.

Mr. DEPEW (when his name was called). I have a pair with the Senator from Oklahoma [Mr. GORE]. I will transfer that pair to the Senator from Washington [Mr. PILES] and vote, I vote "nay."

Mr. OWEN (when Mr. GORE's name was called). I wish to announce the pair of my colleague [Mr. GORE] with the Senator from New York [Mr. DEPEW].

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS]. If he were present, I would vote "yea."

Mr. RICHARDSON (when his name was called). I am paired with the senior Senator from Maryland [Mr. RAYNER]. I transfer that pair to the junior Senator from Iowa [Mr. YOUNG], and vote "nay."

Mr. TAYLOR (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BRADLEY]. He is not in the Senate, and I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], who is absent, and I therefore withhold my vote.

The roll call was concluded.

Mr. JONES. My colleague [Mr. PILES] was called from the city on important business. I feel justified in saying that while he is for the election of Senators by the people he would vote "nay" on this motion in the interest of Alaska.

Mr. TAYLOR. I will transfer my pair to the Senator from Maryland [Mr. SMITH] and vote. I vote "yea."

Mr. SMOOT. My colleague [Mr. SUTHERLAND] has been called out of the city. He is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. OWEN. Not on this question, Mr. President.

Mr. WARREN. I have a pair with the Senator from Mississippi [Mr. MONEY]. I have arranged to transfer that pair, so that the Senator from Mississippi [Mr. MONEY] will stand paired with the junior Senator from Utah [Mr. SUTHERLAND]. I vote "nay."

The result was announced—yeas 36, nays 41, as follows:

YEAS—36.

Bacon	Chamberlain	La Follette	Smith, S. C.
Bailey	Clarke, Ark.	Newlands	Stone
Bankhead	Crawford	Overman	Swanson
Beveridge	Culberson	Owen	Tallaferro
Borah	Cummins	Paynter	Taylor
Bourne	Dixon	Percy	Terrell
Bristow	Fletcher	Shively	Thornton
Brown	Foster	Simmons	Tillman
Burkett	Frazier	Smith, Mich.	Watson

NAYS—41.

Brandeggee	Dick	Jones	Richardson
Bulkeley	Dillingham	Kean	Root
Burnham	du Pont	Lodge	Scott
Barrows	Flint	Lorimer	Smoot
Burton	Frye	McCumber	Stephenson
Carter	Gallinger	Nelson	Warner
Clark, Wyo.	Gamble	Nixon	Warren
Crane	Gronna	Oliver	Wetmore
Cullom	Guggenheim	Page	
Curtis	Hale	Penrose	
Depew	Heyburn	Perkins	

NOT VOTING—14.

Aldrich	Davis	Money	Sutherland
Bradley	Gore	Piles	Young
Briggs	Johnston	Rayner	
Clapp	Martin	Smith, Md.	

So the Senate refused to lay on the table Mr. NELSON's motion.

The VICE PRESIDENT. The question is on agreeing to the motion made by the Senator from Minnesota [Mr. NELSON] to proceed to the consideration of Senate bill 9955.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska, which had been reported from the Committee on Public Lands with amendments.

The Secretary read the bill.

Mr. NELSON. Mr. President—

Mr. WARREN. Will the Senator from Minnesota yield to me for a moment to make a request?

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. NELSON. I do.

Mr. WARREN. Mr. President, the request I am about to make I make in the interest of the business of the Senate. Several committees find themselves somewhat behindhand with their work—the Appropriations Committee in the consideration of the District of Columbia appropriation bill; the Committee on Military Affairs in the consideration of appropriation and other bills; the Post Office Committee in the consideration of the Post Office appropriation bill; the Finance Committee busy with important measures; and other committees the same. In view of this situation, I should like to ask unanimous consent that when the Senate adjourn to-day it adjourn over until Monday morning next.

Mr. BORAH. I object.

The VICE PRESIDENT. Objection is made.

Mr. WARREN. Mr. President, I do not know that I shall move to adjourn until Monday, but I wish to state that, in my opinion, we shall get along with the work faster by taking the adjournment and permitting the committees to complete some of their most urgent work. Otherwise, Senators on those committees will be compelled to sit during the sessions of the Senate, which is rather outside of the Senate rules and unpleasant to Senators. I hope the Senator from Idaho will withdraw his objection.

The VICE PRESIDENT. Objection is made.

Mr. NELSON. Mr. President, I had intended to enter into a general explanation of the pending bill, but many Senators have left the Chamber and it is now too late to enter upon that matter this evening. I wish, however, to say here and now that I have not called up this bill for leasing coal lands in Alaska with any idea of preventing a vote upon the constitutional amendment. Senators who have served with me on the Judiciary Committee know that I was in favor of reporting that joint resolution. I am in favor of a constitutional amendment allowing the people to vote for United States Senators, and have been so all my life.

But, Mr. President, some years ago I visited Alaska and became acquainted with the conditions in that country. Since then I have more particularly had the welfare of the people of Alaska at heart. For nearly all the important legislation they have obtained within the last six or seven years I have drawn the bills and have been instrumental in getting them passed. Amongst others, and most important, was the Alaskan code bill.

The people of Alaska have been in this condition, Mr. President, for the last 10 years. They have had good coal fields right at their own doors and in their own midst, and yet they have not been permitted to use a ton of that coal, but have been obliged to import most of their coal from foreign countries—from British Columbia, Japan, and Australia. The condition is intolerable; and as a friend of Alaska I feel that Congress ought to take some steps to relieve the situation in that Territory. My heart goes out to the people of Alaska; but I am not an enemy of the constitutional amendment.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. BORAH. I understood the Senator from Minnesota had closed and that I was taking the floor in my own right.

Mr. WARREN. Mr. President—

The VICE PRESIDENT. The Senator from Minnesota had not taken his seat, and the Chair supposed he still was on the floor, but the Chair does not know.

Mr. WARREN. I thought I had license from the Senator to complete what I was saying.

Mr. NELSON. I yield to both Senators. I will yield first to the Senator from Wyoming, and then to the Senator from Idaho.

Mr. WARREN. I hope the Senator from Idaho will withdraw his objection and let us have time to finish up some of our committee work.

Mr. BORAH. Mr. President, personally I should like very much to accommodate the Senator from Wyoming, but it is just as apparent as anything can be that it is not the intention of those who are opposed to this joint resolution that it shall be voted upon at this session.

Mr. HALE. What is the Senator's authority for that?

Mr. WARREN. I do not expect to oppose the joint resolution; but I move that when the Senate adjourns to-night it adjourn to meet on Monday next.

The VICE PRESIDENT. The Senator from Wyoming moves that when the Senate adjourns to-day it be to meet on Monday next at the usual hour.

Mr. BORAH. Mr. President, on that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DEPEW (when his name was called). I have a pair with the Senator from Oklahoma [Mr. GORE], but I transfer that pair to the Senator from Washington [Mr. PILES] and vote. I vote "yea."

Mr. JOHNSTON (when his name was called). I am paired with the junior Senator from New Jersey [Mr. BRIGGS] and therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], but I transfer that pair to the junior Senator from Iowa [Mr. YOUNG] and vote. I vote "yea."

The roll call was concluded.

Mr. STONE (after having voted in the negative). Mr. President, I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I have just been informed by his colleague that he is absent. I had not noticed it before.

The VICE PRESIDENT. The senior Senator from Wyoming has not voted.

Mr. STONE. I transfer my pair with that Senator—I am told I can do so—to the Senator from Florida [Mr. TALLIAFERRO] and will let my vote stand.

The result was announced—yeas 34, nays 36, as follows:

YEAS—34.			
Brandeggee	Dick	Heyburn	Penrose
Bulkeley	Dillingham	Kean	Richardson
Burnham	du Pont	Lodge	Root
Burrows	Flint	Lorimer	Scott
Burton	Frye	McCumber	Smoot
Carter	Gallinger	Nelson	Warren
Crane	Gamble	Nixon	Wetmore
Cullom	Guggenheim	Oliver	
Depew	Hale	Page	

NAYS—36.			
Bacon	Clapp	Gronna	Shively
Bankhead	Clarke, Ark.	Jones	Smith, Mich.
Beveridge	Crawford	La Follette	Smith, S. C.
Borah	Culberson	Newlands	Stone
Bourne	Cummins	Overman	Swanson
Bristow	Dixon	Owen	Terrell
Brown	Fletcher	Paynter	Thornton
Burkett	Foster	Percy	Tillman
Chamberlain	Frazier	Perkins	Watson

NOT VOTING—21.			
Aldrich	Davis	Rayner	Taylor
Bailey	Gore	Simmons	Warner
Bradley	Johnston	Smith, Md.	Young
Briggs	Martin	Stephenson	
Clark, Wyo.	Money	Sutherland	
Curtis	Piles	Talliaferro	

So the motion was rejected.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I move to take up joint resolution 134.

The VICE PRESIDENT. The Senator from Idaho moves to take up Senate joint resolution 134.

Mr. BORAH. And on that I ask for the yeas and nays.

The VICE PRESIDENT. The Secretary will state the title of the joint resolution.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. PENROSE. Mr. President—

The VICE PRESIDENT. The Senator from Idaho asks for the yeas and nays. For what purpose does the Senator from Pennsylvania rise?

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on the motion of the Senator from Pennsylvania that the Senate proceed to the consideration of executive business.

Mr. BORAH. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSTON (when his name was called). I again announce my pair with the Senator from New Jersey [Mr. BRIGGS].

Mr. RICHARDSON (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. I transfer that pair to the junior Senator from Iowa [Mr. YOUNG] and vote. I vote "yea."

Mr. WARREN. As I am paired with the Senator from Mississippi [Mr. MONEY], I withhold my vote.

The roll call was concluded.

Mr. DEPEW. I transfer my pair with the Senator from Oklahoma [Mr. GORE] to the Senator from Washington [Mr. PILES] and vote. I vote "yea."

Mr. BRADLEY. I have a general pair with the Senator from Tennessee [Mr. TAYLOR]. I believe he has not voted, and I will therefore withhold my vote.

Mr. WARREN. I announce the transfer of my pair with the Senator from Mississippi [Mr. MONEY], so that he will stand paired with the junior Senator from Utah [Mr. SUTHERLAND], and I will vote. I vote "yea."

The result was announced—yeas 36, nays 40, as follows:

YEAS—36.			
Brandeggee	Curtis	Guggenheim	Page
Bulkeley	Depew	Hale	Penrose
Burnham	Dick	Heyburn	Richardson
Burrows	Dillingham	Kean	Root
Burton	du Pont	Lodge	Scott
Carter	Flint	Lorimer	Smoot
Clark, Wyo.	Frye	McCumber	Warner
Crane	Gallinger	Nelson	Warren
Cullom	Gamble	Oliver	Wetmore

NAYS—40.

Bacon	Clapp	Jones	Simmons
Bailey	Clarke, Ark.	La Follette	Smith, Mich.
Bankhead	Crawford	Newlands	Smith, S. C.
Beveridge	Culberson	Nixon	Stone
Borah	Cummins	Overman	Swanson
Bourne	Dixon	Owen	Talliaferro
Bristow	Fletcher	Paynter	Terrell
Brown	Foster	Percy	Thornton
Burkett	Frazier	Perkins	Tillman
Chamberlain	Gronna	Shively	Watson

NOT VOTING—15.

Aldrich	Gore	Piles	Sutherland
Bradley	Johnston	Rayner	Taylor
Briggs	Martin	Smith, Md.	Young
Davis	Money	Stephenson	

So the Senate refused to proceed to the consideration of executive business.

The VICE PRESIDENT. The question now recurs on the motion of the Senator from Idaho [Mr. BORAH].

Mr. NELSON. Mr. President, I make the point of order that the Senate having already agreed to take up another bill and having entered upon the consideration of it, while that bill is under consideration and not laid aside, the motion of the Senator from Idaho is not in order.

The VICE PRESIDENT. The Chair will have to rule against the Senator from Minnesota. The question is on the motion of the Senator from Idaho.

Mr. HALE. Mr. President, I want to make a suggestion to the Senator from Idaho in the interest of the dispatch of public business. The Senate will evidently vote to take up the joint resolution, which will make it the unfinished business, and I can see no point in making fruitless objections to the evident desire of the Senate. If the Senate takes up the joint resolution, the Senator will bear in mind that two or three Senators have given notice that they desire, before the vote is taken, to speak upon it. Let me ask the Senator from Idaho—and I do it in entire frankness, for I am not engaged in any work to deviate the will of the Senate—what is the Senator's proposition? If the joint resolution is taken up and becomes the unfinished business, as it will, what is his purpose with reference to the Senators who have given notice that they desire to speak before the vote is taken upon it?

Mr. BORAH. If the joint resolution is taken up and made the unfinished business, it is my purpose to ask that it be laid aside until such time as the Senator from Massachusetts and the Senator from New York, who have suggested they desire to speak upon it, may be heard, and for such reasonable time as will enable anyone else who desires to do so to speak.

Mr. HALE. I think that is entirely fair, and I hope the Senator will not call for a yeas-and-nays vote at this hour, because it will only result in taking up the joint resolution. I hope the Senate will agree to the motion, it being evidently the desire of the majority to take up the joint resolution. Will the Senator withdraw his call for the yeas and nays?

Mr. BORAH. Mr. President, I withdraw my request for the yeas and nays.

Mr. HALE. That is right.

The VICE PRESIDENT. The Senator from Idaho withdraws his request for the yeas and nays.

The question is on agreeing to the motion of the Senator from Idaho that the Senate proceed to the consideration of the joint resolution indicated by him.

The motion was agreed to.

Mr. HALE. Now, Mr. President—

Mr. BORAH. I ask that the unfinished business be temporarily laid aside.

Mr. HEYBURN. It has not yet been taken up.

The VICE PRESIDENT. Yes; it has been taken up by a vote of the Senate.

Mr. HALE. It is already up.

Mr. BEVERIDGE. It is up, subject to any motion.

The VICE PRESIDENT. The Secretary will report, in order that there may be no misunderstanding, what is now the unfinished business.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BEVERIDGE. It is subject to any motion.

Mr. HALE. Now let us have an executive session.

Mr. BORAH. I ask that the unfinished business be temporarily laid aside.

Mr. HALE. The Senator need not do that.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, reported it with amendments and submitted a report (No. 1069) thereon.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 41 minutes p. m.) the Senate adjourned until Monday, February 6, 1911, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 3, 1911.

COLLECTORS OF CUSTOMS.

Omar W. Tapley, of Maine, to be collector of customs for the district of Frenchmans Bay, in the State of Maine, in place of Henry Whiting, deceased.

Alfred N. Dalrymple, of New Jersey, to be collector of customs for the district of Newark, in the State of New Jersey, in place of George L. Smith, whose term of office expired by limitation January 31, 1911.

SURVEYOR GENERAL.

Matthew Kyle, of Nevada, to be surveyor general of Nevada, his term expiring February 26, 1911. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Louis T. Dugazon, of Louisiana, now receiver of public moneys at New Orleans, to be receiver of public moneys at Baton Rouge, a consolidated office to be opened April 1.

REGISTER OF LAND OFFICE.

John Franklin Nuttall, of Patterson, La., to be register of the land office at Baton Rouge, a consolidated office to be opened April 1.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. Samuel E. Allen, Coast Artillery Corps, to be colonel from February 2, 1911, vice Col. Albert Todd, retired from active service February 1, 1911.

Maj. John W. Ruckman, Coast Artillery Corps, to be lieutenant colonel from February 2, 1911, vice Lieut. Col. Samuel E. Allen, promoted.

Capt. James M. Williams, Coast Artillery Corps, to be major from February 2, 1911, vice Maj. John W. Ruckman, promoted.

First Lieut. William E. Murray, Coast Artillery Corps, to be captain from February 2, 1911, vice Capt. James M. Williams, promoted.

Second Lieut. Abney Payne, Coast Artillery Corps, to be first lieutenant from February 2, 1911, vice First Lieut. William E. Murray, promoted.

POSTMASTERS.

ARIZONA.

Edward D. Holbrook to be postmaster at Silverbell, Ariz., in place of Roger W. Warren, resigned.

CALIFORNIA.

Felix L. Grauss to be postmaster at Calistoga, Cal., in place of Felix L. Grauss. Incumbent's commission expires February 12, 1911.

Eri Huggins to be postmaster at Fort Bragg, Cal., in place of Eri Huggins. Incumbent's commission expires February 12, 1911.

Josephine Priest to be postmaster at Fowler, Cal., in place of Roy B. Giffin, resigned.

Paul Schafer to be postmaster at Oakland, Cal., in place of Paul Schafer. Incumbent's commission expires March 1, 1911.

COLORADO.

R. Lincoln Pence to be postmaster at Ault, Colo., in place of R. Lincoln Pence. Incumbent's commission expired December 18, 1910.

CONNECTICUT.

Leopold J. Curtiss to be postmaster at Norfolk, Conn., in place of Leopold J. Curtiss. Incumbent's commission expires February 28, 1911.

Frank G. Letters to be postmaster at Putnam, Conn., in place of Frank G. Letters. Incumbent's commission expires February 7, 1911.

GEORGIA.

William W. Wade to be postmaster at Maysville, Ga. Office became presidential January 1, 1911.

ILLINOIS.

William M. Checkley to be postmaster at Mattoon, Ill., in place of William M. Checkley. Incumbent's commission expired February 2, 1911.

INDIANA.

Eli W. Sherwin to be postmaster at Russiaville, Ind. Office became presidential January 1, 1911.

IOWA.

Henry C. Hill to be postmaster at Milton, Iowa, in place of Henry C. Hill. Incumbent's commission expires February 28, 1911.

J. Ken Mathews to be postmaster at Mediapolis, Iowa, in place of J. Ken Mathews. Incumbent's commission expired January 31, 1911.

George W. Metcalf to be postmaster at Lansing, Iowa, in place of George W. Metcalf. Incumbent's commission expires February 28, 1911.

C. H. Westrope to be postmaster at Elliott, Iowa, in place of Henry Barnes, resigned.

William E. Whetstone to be postmaster at Columbus Junction, Iowa, in place of Walter F. Hall. Incumbent's commission expired December 13, 1910.

KANSAS.

John K. Cochran to be postmaster at Pratt, Kans., in place of John K. Cochran. Incumbent's commission expires March 2, 1911.

Thomas A. Ellis to be postmaster at Burlingame, Kans., in place of George W. Doty, resigned.

Samuel Forter to be postmaster at Marysville, Kans., in place of Isaac B. Davis. Incumbent's commission expired June 29, 1910.

William R. Jones to be postmaster at Hanover, Kans., in place of August Kuhlmann. Incumbent's commission expired December 20, 1910.

Robert D. Rodgers to be postmaster at Syracuse, Kans., in place of Robert D. Rodgers. Incumbent's commission expires March 2, 1911.

Lissie H. Shoup to be postmaster at Cimarron, Kans., in place of Lissie H. Shoup. Incumbent's commission expires March 2, 1911.

LOUISIANA.

Benjamin Deblieux to be postmaster at Plaquemine, La., in place of Benjamin Deblieux. Incumbent's commission expired January 23, 1911.

Goldman L. Lassalle to be postmaster at Opelousas, La., in place of Goldman L. Lassalle. Incumbent's commission expires February 13, 1911.

MAINE.

Theophilus H. Sproud to be postmaster at Winterport, Me., in place of Theophilus H. Sproud. Incumbent's commission expired December 6, 1910.

MICHIGAN.

Charles M. Falls to be postmaster at Wolverine, Mich., in place of Charles M. Falls. Incumbent's commission expired January 23, 1911.

Charles H. Pulver to be postmaster at Dundee, Mich., in place of Charles H. Pulver. Incumbent's commission expired December 18, 1910.

MISSOURI.

John W. Ayers to be postmaster at Callao, Mo. Office became presidential January 1, 1911.

John H. Dunmire to be postmaster at Kennett, Mo., in place of George T. Dunmire. Incumbent's commission expires February 18, 1911.

William T. Elliott to be postmaster at Houston, Mo., in place of William T. Elliott. Incumbent's commission expires February 20, 1911.

Jerome W. Jones to be postmaster at Brookfield, Mo., in place of Jerome W. Jones. Incumbent's commission expires February 12, 1911.

NEBRASKA.

William Cook to be postmaster at Hebron, Nebr., in place of William Cook. Incumbent's commission expires March 2, 1911.

Edward G. Hall to be postmaster at David City, Nebr., in place of Edward G. Hall. Incumbent's commission expires March 1, 1911.

Lew E. Shelley to be postmaster at Fairbury, Nebr., in place of Lew E. Shelley. Incumbent's commission expires March 1, 1911.

Clarence E. Stine to be postmaster at Superior, Nebr., in place of Clarence E. Stine. Incumbent's commission expires February 20, 1911.

NEW HAMPSHIRE.

Natt A. Cram to be postmaster at Pittsfield, N. H., in place of Natt A. Cram. Incumbent's commission expires February 18, 1911.

NEW JERSEY.

Alfred M. Jones to be postmaster at Summit, N. J., in place of Alfred M. Jones. Incumbent's commission expires February 28, 1911.

NEW YORK.

Warren B. Ashmead to be postmaster at Jamaica, N. Y., in place of Warren B. Ashmead. Incumbent's commission expired January 28, 1911.

Willoughby W. Babcock to be postmaster at Prattsburg, N. Y., in place of Willoughby W. Babcock. Incumbent's commission expires February 4, 1911.

George H. Keeler to be postmaster at Hammondsport, N. Y., in place of George H. Keeler. Incumbent's commission expires February 12, 1911.

Adolph Lienhardt to be postmaster at Stapleton, N. Y., in place of Adolph Lienhardt. Incumbent's commission expires February 28, 1911.

David G. Montross to be postmaster at Peekskill, N. Y., in place of David G. Montross. Incumbent's commission expires February 21, 1911.

Robert Murray to be postmaster at Warrensburg, N. Y., in place of Robert Murray. Incumbent's commission expired January 22, 1911.

Fred O'Neil to be postmaster at Malone, N. Y., in place of Fred O'Neil. Incumbent's commission expires February 12, 1911.

John O. Thibault to be postmaster at Clayton, N. Y., in place of John O. Thibault. Incumbent's commission expires February 12, 1911.

Everett I. Weaver to be postmaster at Angelica, N. Y., in place of Everett I. Weaver. Incumbent's commission expired February 2, 1911.

OHIO.

Charles C. Chappellear to be postmaster at Circleville, Ohio, in place of Charles C. Chappellear. Incumbent's commission expired January 29, 1911.

Edward A. Mullen to be postmaster at Marysville, Ohio, in place of Edward A. Mullen. Incumbent's commission expired February 2, 1911.

Leonard D. Price to be postmaster at Bowerston, Ohio. Office became presidential January 1, 1911.

Delmer M. Starkey to be postmaster at Freeport, Ohio, in place of Delmer M. Starkey. Incumbent's commission expired February 2, 1911.

OKLAHOMA.

Carlos C. Curtis to be postmaster at Cordell, Okla., in place of Carlos C. Curtis. Incumbent's commission expires February 28, 1911.

OREGON.

John M. Parry to be postmaster at Moro, Oreg., in place of John M. Parry. Incumbent's commission expires February 7, 1911.

Andreas L. Sproul to be postmaster at Ontario, Oreg., in place of Andreas L. Sproul. Incumbent's commission expires February 7, 1911.

James S. Van Winkle to be postmaster at Albany, Oreg., in place of James S. Van Winkle. Incumbent's commission expires March 2, 1911.

PENNSYLVANIA.

John C. F. Miller to be postmaster at Rockwood, Pa., in place of John C. F. Miller. Incumbent's commission expired January 12, 1911.

TENNESSEE.

Grover S. McNabb to be postmaster at Erwin, Tenn. Office became presidential January 1, 1911.

Oscar N. Vaughn to be postmaster at Pikeville, Tenn. Office became presidential October 1, 1910.

VERMONT.

Stanley R. Bryant to be postmaster at Windsor, Vt., in place of Stanley R. Bryant. Incumbent's commission expires February 28, 1911.

VIRGINIA.

Robert A. Anderson to be postmaster at Marion, Va., in place of Robert A. Anderson. Incumbent's commission expired January 22, 1911.

WASHINGTON.

Charles McKinnon to be postmaster at Black Diamond, Wash. Office became presidential October 1, 1910.

Daniel C. Pearson to be postmaster at Stanwood, Wash., in place of Daniel C. Pearson. Incumbent's commission expired December 10, 1910.

WEST VIRGINIA.

Wilbur C. Baxter to be postmaster at Sutton, W. Va., in place of Wilbur C. Baxter. Incumbent's commission expires March 2, 1911.

WISCONSIN.

Fred C. Burke to be postmaster at Marinette, Wis., in place of John J. O'Connell. Incumbent's commission expired December 6, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 3, 1911.

COLLECTORS OF CUSTOMS.

Omar W. Tapley to be collector of customs at Frenchmans Bay, Me.

Alfred N. Dalrymple to be collector of customs at Newark, N. J.

NAVAL OFFICER OF CUSTOMS.

Charles F. Borah to be naval officer of customs in the district of New Orleans.

REGISTER OF LAND OFFICE.

Clyde B. Walker to be register of the land office at Juneau, Alaska.

RECEIVER OF PUBLIC MONEYS.

Henry G. McCrossen to be receiver of public moneys at Wausau, Wis.

COAST ARTILLERY CORPS.

Everett Martin Balcom to be second lieutenant.

PROMOTION IN THE NAVY.

MARINE CORPS.

Col. William P. Biddle to be Major General Commandant of the United States Marine Corps.

POSTMASTERS.

ILLINOIS.

Leone M. Weir, Rantoul.

NEW HAMPSHIRE.

Natt A. Cram, Pittsfield.

PENNSYLVANIA.

Winfred W. Marsh, Westfield.

WEST VIRGINIA.

Frank S. Smith, Parkersburg.

WISCONSIN.

Fred C. Burke, Marinette.

WITHDRAWAL.

Executive nomination withdrawn February 3, 1911.

Second Lieut. Littleton W. T. Waller, jr., to be a first lieutenant in the United States Marine Corps.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 3, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

WIRELESS TELEGRAPHY.

Mr. RUCKER of Colorado. Mr. Speaker, I desire to ask a change of reference of House resolution 933 from the Committee on Rules to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Colorado asks unanimous consent to change the reference of House resolution 933, relating to wireless telegraphy, from the Committee on Rules to the Committee on the Merchant Marine and Fisheries.

Mr. MANN. Reserving the right to object, what is the request?